

APR 07 1978

JANUARY-FEBRUARY 1978

EIGHTEENTH YEAR — No. 202

international review of the red cross



PROPERTY OF U. S. ARMY
THE JUDGE ADVOCATE GENERAL'S SCHOOL
LIBRARY

INTER ARMA CARITAS

**GENEVA
INTERNATIONAL COMMITTEE OF THE RED CROSS
FOUNDED IN 1863**

INTERNATIONAL COMMITTEE OF THE RED CROSS

- Mr. ALEXANDRE HAY, Lawyer, former Director-General of the Swiss National Bank, *President* (member since 1975)
- Mr. JEAN PICTET, Doctor of Laws, Chairman of the Legal Commission, Director of the Henry Dunant Institute, Associate Professor at the University of Geneva, *Vice-President* (1967)
- Mr. HARALD HUBER, Doctor of Laws, Federal Court Judge, *Vice-President* (1969)
- Mrs. DENISE BINDSCHIEDLER-ROBERT, Doctor of Laws, Professor at the Graduate Institute of International Studies, Geneva, Judge at the European Court of Human Rights (1967)
- Mr. MARCEL A. NAVILLE, Master of Arts, ICRC President from 1969 to 1973 (1967)
- Mr. JACQUES F. DE ROUGEMONT, Doctor of Medicine (1967)
- Mr. ROGER GALLOPIN, Doctor of Laws, former ICRC Director-General and former President of the Executive Council (1967)
- Mr. VICTOR H. UMBRICHT, Doctor of Laws, Managing Director (1970)
- Mr. GILBERT ETIENNE, Professor at the Graduate Institute of International Studies and at the Institut d'études du développement, Geneva (1973)
- Mr. ULRICH MIDDENDORP, Doctor of Medicine, head of surgical department of the Cantonal Hospital, Winterthur (1973)
- Mrs. MARION BOVÉE-ROTHENBACH, Master of Social Work (University of Michigan), Reader at the Ecole des Sciences sociales et politiques of the University of Lausanne (1973)
- Mr. HANS PETER TSCHUDI, Doctor of Laws, former Swiss Federal Councillor (1973)
- Mr. HENRY HUGUENIN, Banker (1974)
- Mr. JAKOB BURCKHARDT, Doctor of Laws, Minister Plenipotentiary, Chairman of the Council of Federal Polytechnic Schools (1975)
- Mr. THOMAS FLEINER, Master of Laws, Professor at the University of Fribourg (1975)
- Mr. HERBERT LÜTHY, Doctor of Philosophy, Professor of History at the University of Basle (1975)
- Mr. RICHARD PESTALOZZI, Doctor of Laws, Special Assistant to the President (1977)
- Mr. ATHOS GALLINO, Doctor of Medicine, Mayor of Bellinzona (1977)
- Mr. ROBERT KOHLER, Master of Economics (1977)

Honorary members : Miss LUCIE ODIER, *Honorary Vice-President*;

Messrs. HANS BACHMANN,

GUILLAUME BORDIER,

Mrs. MARGUERITE GAUTIER-VAN BERCHEM,

Messrs. ADOLPHE GRAEDEL, ÉDOUARD DE HALLER, ERIC MARTIN,

RODOLFO OLGIAI, MAX PETITPIERRE, PAUL RUEGGER,

DIETRICH SCHINDLER, FRÉDÉRIC SIORDET, ALFREDO VANNOTTI.

EXECUTIVE COUNCIL

Mr. ALEXANDRE HAY, *President*

Mr. VICTOR H. UMBRICHT, *Vice-President* (leave of absence)

Mr. RICHARD PESTALOZZI

Mrs. DENISE BINDSCHIEDLER-ROBERT

Mr. THOMAS FLEINER

Mr. JEAN PICTET

CONTENTS

INTERNATIONAL REVIEW OF THE RED CROSS

January - February 1978 — No. 202

INTERNATIONAL COMMITTEE OF THE RED CROSS

The future of the International Review of the Red Cross	3
G.I.A.D. Draper: Role of legal advisers in armed forces	6
F. de Mulinen: The law of war and the armed forces	18

150th Anniversary of the birth of Henry Dunant	44
Marks of appreciation	45
International Tracing Service (Arolsen).	46
<i>External activities:</i>	
Africa — Middle East — Latin America — Asia	48

MISCELLANEOUS

Dissemination of knowledge of International Humanitarian Law among the armed forces .	56
United Nations Resolution on incendiary weapons and other conventional weapons.	59
Red Cross Disaster Relief Handbook	62

International Review of the Red Cross is published by the International Committee of the Red Cross. It first appeared in French in 1869.

As the official organ of the ICRC, specializing in international humanitarian law and recording the international activities of the Red Cross, *International Review of the Red Cross* provides a constant flow of information and constitutes the necessary link between the members of the International Red Cross.

International Review of the Red Cross appears once every two months in three languages:

in English: INTERNATIONAL REVIEW OF THE RED CROSS (from 1961)

in French: REVUE INTERNATIONALE DE LA CROIX-ROUGE

in Spanish: REVISTA INTERNACIONAL DE LA CRUZ ROJA (from 1976)

It also publishes, in German, a short edition, *Extracts*, of various articles which appear in the main editions.

EDITOR: Michel Testuz

ADDRESS: International Review of the Red Cross
17, Avenue de la Paix
CH - 1211 Geneva, Switzerland

SUBSCRIPTIONS: one year, Sw. frs. 30.—; single copy Sw. frs. 5.—
Extracts in German: one year, Sw. frs. 10.—; single copy
Sw. frs. 2.—

Postal Cheque Account: No. 12 - 1767 Geneva

Bank account No. 129.984 Swiss Bank Corporation, Geneva

*The International Committee of the Red Cross assumes responsibility
only for material over its own signature.*

THE FUTURE OF THE INTERNATIONAL REVIEW OF THE RED CROSS

At its December 1977 session, the Assembly of the ICRC was compelled, for reasons of economy, to take a step which it took only very reluctantly: this was to cut down the number of issues of the *International Review of the Red Cross* from twelve to six per annum. From January 1978, therefore, the Review will appear every two months instead of once a month as was the case until now.

In April 1869, the Berlin Conference had decided on the "creation of an international bulletin, which would devote its pages to the work of relief for wounded soldiers, . . . which would put into contact the Central Committees of various countries, and which would bring to their notice the events, official or otherwise, of which they should be informed. The International Committee of the Red Cross was entrusted with editing this journal. . . ."¹ The first issue of this *Bulletin international des Sociétés de secours aux militaires blessés* appeared in October 1869. In 1919, it adopted a new title: *Revue internationale de la Croix-Rouge et Bulletin international des Sociétés de la Croix-Rouge*, which was shortened in 1955 to *Revue internationale de la Croix-Rouge*.

From January 1948 an abridged edition of the *Revue* was published in English; in 1949 an abridged Spanish edition, and in 1950 an abridged German edition appeared. In 1961, a full English version started to appear, similar in all respects to the French edition, while the full Spanish version was first issued in 1976.

In 1977, the *International Review* appeared in three full editions, running to about 750 pages in each of the three languages, and an abridged edition in German of about 220 pages for the whole year. For

¹ Our translation (*Ed.*)

the ICRC, which pays all the costs of publication, editing, translation, printing, distribution, etc., it has represented a considerable liability.

The ICRC is well aware of the long-standing importance of the *Review* in the Red Cross world: in its capacity as the official organ of the International Red Cross, it publishes for the National Societies the circulars of the ICRC, the resolutions and decisions of the international conferences, the accounts of the special funds the income of which is allocated to specific National Societies, and the lists of persons honoured by awards such as the Henry Dunant Medal and the Florence Nightingale Medal.

Secondly, through its articles and through the chronicle of events, documents, books and legal publications coming from sources other than the Red Cross but which are of direct concern to our movement, the *International Review* is the sole journal which is specialized in international humanitarian law and which works, month after month, towards its dissemination and development. In this respect, it is the only substantial review of the International Red Cross.

Thirdly, the *International Review* brings to the notice of its readers the ICRC's activities in Geneva and throughout the world, and we know that these reports are read with great attention by governments, international bodies and the numerous humanitarian organizations with which the ICRC co-operates. In addition, the *International Review* seeks to give an account of the most important activities of the National Red Cross Societies: regional meetings and seminars, the founding of new Societies, prominent anniversaries of long-established Societies, and special activities performed by them, to keep up the flow of information and the necessary links between them, consistent with the purpose of the original *Bulletin*.

But, like most periodicals of its kind, the *International Review of the Red Cross* can only keep afloat if the costs of publication are borne by a sponsor, which in this particular case is the ICRC. The relatively few paying subscriptions and income from advertisements do not cover more than a fraction of the expenses, so the burden is carried almost entirely by the ICRC. In the present circumstances, this burden has become too heavy and, to its great regret, the ICRC has felt compelled to take a grave step to reduce costs by cutting down on the number of issues in a year and discontinuing the use of illustrations. The editor of the *International Review* has been instructed to include, as far as possible,

the same material, but in a more condensed form, in such a way as to continue to maintain the high level of this publication and to keep up its function of international organ linking the members of the Red Cross world.

It is clear that cutting down the *International Review* by one-half will leave a gap which will be felt all the more as the Twenty-third International Red Cross Conference has just adopted a resolution on the dissemination of knowledge of international humanitarian law and of the basic principles of the Red Cross. Notwithstanding, the ICRC feels that it cannot continue, all alone and without outside aid, the very considerable effort it has expended during many years to bring out four separate editions of the *Review* every month. Any proposals reaching the ICRC which might cause it to withdraw a decision which it hopes all the same to be only a provisional measure will be welcomed with gratitude: in any case, the ICRC would be only too happy to have the views of *International Review* readers.

Alexandre HAY

President of the ICRC

ROLE OF LEGAL ADVISERS IN ARMED FORCES

by G. I. A. D. Draper

A. INTRODUCTION AND BACKGROUND

There emerged at the close of the three years of preparatory work by the Government Experts convened by the ICRC, from 1971 to 1973, a provision that had no counterpart in the four Geneva Conventions of 1949. This was a provision requiring the employment of legal advisers to military Commanders. It was a bold provision, for which the Canadian Experts can claim the credit for its introduction, although the idea went through a number of changes both of substance and presentation in the course of debate. It was clear to the participants that the presence and role of such advisers would be a valuable modality for implementation of the Conventions of 1949 and of Protocol I. Such a modality could operate in close association with the military instruction required to be given to armed forces concerning the law contained in those instruments.

In the sensitive area of implementing the international law governing armed conflicts, both in monitoring its application and in finding devices persuasive of its observance, the Experts in effect devised a twofold system, namely, advising military commanders upon the application of the Conventions and Protocol I and upon instruction in those instruments.

The precocious codification of the Law of war at the two Hague Peace Conferences of 1899 and 1907, produced little about implementation and enforcement mechanisms of the substantial body of the written law of war that emerged in 1907. All that we inherited from that redaction was:—

- (1) the requirement, in Article 1 of Convention IV, that "Belligerents shall issue instructions to their armed land forces which shall be in conformity with the Regulations... annexed to the present Convention." That was the seminal point for the appearance of "Manuals" issued by States;
- (2) the provision in Article 3 of that Convention for State responsibility and compensation for breaches of the Regulations annexed thereto.

B. IMPLEMENTATION AND ENFORCEMENT

If we consider Article 1 of Hague Convention No IV of 1907 as the starting point for implementation devices in the codified Law of War, it would seem that this century has been singularly slow in weaving together the three devices of (1) instructions issued to armed forces, (2) the giving of instruction to armed forces, and (3) the employment of legal advisers to commanders to further the implementation of the law of war. Officers and soldiers are subject to discipline by the nature of their calling. That disciplinary system is then harnessed to their military training. The military authorities can require such instruction as they see fit to order. Finally, military staffs can be organised and assigned specialist tasks according to military needs.

We seem in retrospect to have arrived at the conjunction of discipline, instruction and advice by three slow stages. First, we had the legal requirement of issuing instructions to armed forces to comply with the Regulations annexed to Hague Convention No IV of 1907. It is not encouraging to see how relatively little use was made of this device since 1907.

The second phase of our story is to be found in the Geneva Conventions of 1949, common articles 47/48/127 and 144. The adoption of those articles in 1949 was the direct outcome of the experience of World War II. It emerged in the war crimes trials that instruction in the Law of War had not been a feature of military training between the two World Wars. Military law is a mandatory subject of study by officers in most armies. The step from teaching the law of war as an appendix to military law would seem an obvious one but it was not taken, to mankind's misery. Those entrusted with military training did not think it fit

to educate the military in the limits of military obedience. Let us recall in this context the passage from the Judgment of the IMT at Nuremburg dealing with the German General Staff and High Command which was found not guilty of being a criminal organization. Although undoubtedly criminal in their actions, the individuals concerned were not a "group" within the meaning of the Indictment. The Tribunal expressed its views thus:—

"Many of these men (members of the German High Command and General Staff) have made a mockery of the soldier's oath of obedience to military orders. When it suits their defence they say they had to obey; when confronted with Hitler's brutal crimes which are shown to have been within their general knowledge, they say they disobeyed. The truth is that they actively participated in all these crimes or sat silent and acquiescent, witnessing the commission of crimes on a scale larger and more shocking than the world has ever had the misfortune to know." (IMT Judgment, p. 83.)

It was against the background of that condemnation that the common articles on instruction and dissemination were inserted in the Conventions of 1949, accompanied by a modest attempt to include the civilian population within the instruction incumbent upon States.

What has happened under this second phase, namely that of compulsory military instruction, since 1950, is a matter of some debate. The experience of "grave breaches" of those Conventions in the period since 1950 is not lacking. How much can properly be laid at the door of failure by States to give the instruction required by the Convention is difficult to assess. The testing moment at a war crimes trial when the accused pleads that he acted under a superior order and that he did not know the order to be unlawful has not been a feature of the post-1950 experience for the simple reason that such trials for grave breaches have not yet occurred. Meta-legal reasons have inhibited that type of law enforcement.

The third phase of implementation of the law of armed conflict has now been reached in Protocol I additional to the Conventions of 1949. This phase is marked by Article 82 requiring the availability of legal advisers to military commanders, on the application of the Conventions and of the Protocol.

Before attempting an appraisal of the new Article 82, of Protocol I, it is helpful to consider its points of departure from the text of draft Article 71 passed by the Government Experts in 1973. In 1973 the relevant draft text (Art. 71) stood thus:—

“The High Contracting Parties shall employ in their armed forces, in time of peace as in time of armed conflict, qualified legal advisers who shall advise military commanders on the application of the Conventions and the present Protocol and who shall ensure that appropriate instruction be given to the armed forces.”

The debates in the Diplomatic Conference in 1975 and 1976 reflected a certain dissatisfaction with this text. In general, the obligation proposed for States was thought to be too hard and too high, and, at the same time, too vague. Consensus could not be reached as to any agreed level of command at which such legal advisers would be mandatorily employed. Further, there would be a need, as a result of the possible participation of “national liberation movements” in international armed conflicts provided for in Article 1 (4) and Article 86 (3), for a mandatory availability of legal advisers to commanders in such liberation movements. The words “Parties to the conflict in time of armed conflict”, now inserted in Article 82, reflect that need. Article 82, as established in the Final Act of the Conference, signed on 10 June, 1977, is in these terms:

“The High Contracting Parties at all times, and the Parties to the conflict in time of armed conflict, shall ensure that legal advisers are available, when necessary, to advise military commanders at the appropriate level of the application of the Conventions and this Protocol and on the appropriate instruction to be given to the armed forces on this subject.”

When this text is compared with that framed by the Experts in 1973, the “watering down” of the content and level of the obligation is apparent. The nodal points of reduction of the obligation lie in the phrases:—

- (a) “...ensure that...advisers are available, when necessary...”
- (b) “...to advise commanders at the appropriate level...”
- (c) “...legal adviser...”
- (d) “on the...appropriate instruction...”

As to (a) the descent is from the earlier text "...shall employ in their armed forces..." As to (b) the like is from the earlier phrase "military commanders..." As to (c) the descent is from the former text "qualified legal advisers..." As to (d) the descent is from the earlier requirement, "...shall ensure that appropriate instruction be given..."

The general impression gained from a comparison of the texts of 1973 and 1977 is that Governments were not prepared to accept obligations unless there was some flexibility as to the level of commanders who must have the benefit of legal advice on the Conventions and the Protocol and as to the timing when such advice ought to be proffered by the advisers or sought by the commanders. Further, Governments did not desire an obligation on the part of legal advisers to ensure the *giving* of appropriate instruction, but to have their role so defined as to include advising, on the appropriate instruction, a very different matter. Finally, Governments realised that the mandatory use of qualified legal advisers in their armed forces would be more than many States could contrive, if that meant that such legal advisers must be legally qualified. This "watering down" of the obligation as to legal advisers chimed well with the wish of Governments to ease their own duties and to extend them so diluted to national liberation movements where, by the nature of such participants, the duty had to be pitched at a low level.

C THE SIGNIFICANCE OF THE OBLIGATIONS

Has the obligation posited by the Experts in 1973 as a novel device for implementation, been reduced to the level of the ineffectual or has it still retained a force and a value, if met in good faith, that justifies the place of Article 82 in Protocol I? In the first place, it is possible that the presence of the provision in the Protocol is itself of some value. The obligation may be weak, and open to abuse; it is a standard put before States that want to act in good faith. It is also a guideline for States genuinely seeking guidance as to how to implement the law, as opposed to breaking it. Again, it has an educative value for Governments, military commanders and service personnel. Last, but not least, it furthers, by auxiliary action, the requirement of dissemination and instruction contained in Article 83. Admittedly Article 83 is also auxil-

iary to the weak obligation in Article 6 of the Protocol as to the training of qualified personnel to facilitate the application of the Conventions and of the Protocol and the activities of the Protecting Power. Having regard to the generous concessions made to State sovereignty by Article 5 (2) of the Protocol relating to acceptance of the designated Protecting Power, the role of legal advisers under Article 82 assumes an enhanced importance, even in its final, attenuated, form. So difficult has been the implementation of the law of war that the devices designed to that end must be multiform and not exclusive, i.e., they must interact and support each other as their individual efficacy is undoubtedly weak. Legal advisers can and should perform as an auxiliary mechanism for implementation if for any reason no Protecting Power or substitute organization is functioning at all, or only partially.

It is apparent that some States will have difficulties in training such legal advisers and finding persons of the appropriate intellectual and moral calibre. Traditionally, legal staff officers in Armed Forces have been concerned with advising commanders upon disciplinary and court-martial cases, both pre-pending, and post-trial, including providing prosecutors in complex or important trials, and in certain States, defending officers as well. The strain upon a State in the initial establishment and training of legal staffs for their Armed Forces is heavy. If one considers, for example, the full range of legal services provided in the U.S. armed forces, it is clear that few States can match that type of legal resource. Most States with armed forces of any size and sophistication require Service legal personnel for (a) disciplinary cases; (b) general advisory purposes; (c) teaching military law; and (d) under the Conventions, for teaching the law of those instruments. It is soon discovered that one cannot teach isolated fragments of the international law of armed conflict in a way that makes sense to the audience without giving some explanation of the setting of the Conventions in the law of war and in international law generally.

Added to these commitments, which may already be beyond the reach of many States, there is the new obligation under Article 82 of Protocol I to "make available" legal advisers to commanders "when necessary". The anxiety of Governments to reduce and qualify their commitment in this area is readily understandable. Doubtless the legal adviser will, for economy of personnel, be a multi-purpose staff officer, and preferably, but not necessarily, legally qualified. He will advise:—

(i) commanders at all relevant levels on disciplinary cases; (ii) senior formations on general legal matters affecting the Force concerned; and (iii) may well be called upon to meet the obligation, such as it is, currently contained in Article 82 of the Protocol, i.e., in peace and in armed conflict, on the application of the Conventions and the Protocol. Such a person will need no ordinary talents to discharge those roles.

The great extension in the advisory obligation will enter in in relation to those Parts of Protocol I dealing with combat operations, i.e., Parts III and IV. These Parts have no counterparts in the Conventions. Parts III and IV embrace forty-four detailed Articles of complexity and undoubted importance. If one considers the nature of modern weaponry, the changing technology of weapons systems, the development and sophistication of electronic devices in weaponry and communications systems, it is apparent that if the legal adviser is going to be competent to give a field commander useful advice on Parts III and IV of Protocol I, he will also require a highly technical, non-legal training. Some idea of what would be entailed for the giving of effective legal advice on Protocol I can be gained from a pioneer and percipient article by Professor O'Connell of the University of Oxford, in the *British Year Book of International Law*, (1970), Vol. 54, at pp. 29-85, entitled "International Law and Contemporary Naval Operations". It is no answer that Protocol I does not deal with such operations. Article 49 (3) makes it clear that the provisions of Section I of Part III apply to "any land, air or sea warfare which may affect the civilian population. . . or civilian objects on land". At p. 23 of his article, O'Connell writes:— "A legal officer competent in international law is thus becoming an indispensable component of naval staffs. . . . In the U.S. Navy fleet commanders carry on their staffs legal officers of high rank who constitute members of their inner cabinets, and whose function. . . is to assess operational planning from the international law point of view. . . . Since most naval legal officers have been trained only in disciplinary law, the level of special international legal competence in the fleet has not been high, and this implies a greater responsibility on the part of the professional international lawyers to do the intensive study which is necessary if the level of practical performance is to be raised." These words were written before Protocol I was established. They have, it is suggested, now become relevant to land warfare as well as to that directed at land targets from the sea and the air.

D. THE ROLE OF LEGAL ADVISERS

It is apparent that the tasks of legal advisers, under the Protocol, in time of armed conflict are going to be diverse, difficult and onerous. However, his work really begins in time of peace when the strategical planning is done. The tactical plans in time of conflict are framed to fit into the strategical setting. At the highest level of planning, legal advisers, of rank and experience, should be absorbed into the planning group and processes. He will have to be fully conversant with the language and modes of thinking of military planners and with the latest technological developments in weaponry systems, their use and deployment. This role of legal advisers, in military planning, will be a process of revision, derived from changing political, military and technological factors.

If the contribution of legal advisers is made at the early and higher stages of planning, the need for legal advisory service at the lower formations will tend to be reduced. Much of that crucial work may be done in peace time. A by-product of this association of legal advisers with military planners is the acceptance of legal advisers working with planners and military commanders. Operational directives in time of conflict will require legal vetting before they are issued. Bearing in mind the series of legal limitations upon targetry contained in Articles 48 to 60 of Protocol I, the role of the legal adviser in relation to operational directives will be important and demanding. Much will depend on how he discharges his advisory role. With modern communication methods, it will be at the higher formation levels where the sophisticated weaponry is ultimately controlled that the legal adviser's presence will be critical. It is not so much the over-dramatized local incident, "Do we launch a weapon on that target or do we not?", but the legal vetting of plans and tactical directives before the engagement that will be the central role of the legal adviser to military commanders.

The legal staff officer will have to become a permanent part of the staff organization of senior commands in time of armed conflict and of planning departments in time of peace. Once commanders become accustomed to the presence of such advisory staff officers as they are already to the legal staff engaged in advising them upon disciplinary matters, a major step forward will have been reached. There is not one single Article in the 420 Articles comprising the four Conventions and

the 102 Articles and Annexes of Protocol I upon which legal advice may not be required either in planning or the issuing of general directives in time of peace, or in the day to day advising on tactical directives in time of armed conflict.

Legal Advisers should be a permanent part of peace time exercises on any large scale, whether with or without troops. Modern communications will ease the question of the deployment of legal advisers and tend to reduce the need for their presence in forward areas. It is a fallacy to think that the nearer you are to military operations the better one knows what is going on, i.e., the facts, in the legal sense. One knows only one's own immediate and tiny sector of the fighting. In general, the legal adviser is likely to be more usefully employed at a distance, and at a level of command where he is detached from the individual tactical incident. It is not a question of personal safety but of the efficient discharge of his functions.

The main difficult will probably be the adequate training of the legal advisers and their careful selection in terms of character qualities. In totalitarian regimes legal advisers are useless appendages to the State apparatus except for the justification and concealment of atrocities and to furnish a smoke-screen of legality for gross and persistent illegalities. Leaders of Gestapo Branch Offices were normally "doctors of law". Even in those countries where the "rule of law" is present, at the highest levels legal advisers are often not consulted. Sometimes that omission is not accidental. One of the less comprehensible aspects of the case of *Ireland v. the U.K.*, European Commission of Human Rights, (1976), is the fact that no legal advice seems to have been sought by any of the Government authorities or agencies concerned. Neither was it proffered. Legal advisory staffs do not normally advise unless requested. Again it sometimes happens that a multiplicity of Governmental agencies being concerned, no legal advice from any source was obtained. Such an error can be expensive, both in terms of reputation and money, to the Government held responsible.

Military Commanders have not in the past welcomed the presence of legal advisers when they are planning or directing military operations against an enemy. To meet the requirements of Article 82 of the Protocol a different climate of opinion and relationships within the senior echelons of the Armed Forces has to be achieved. That is no easy matter. It will take time. It is a delicate process of education and psychology to

instil a habit not easily received or acquired, and to which there is a tradition of resistance.

At the end of the day the role of the legal advisers in relation to military commanders has to become accepted and operated in time of peace. It is not realistic to expect that the smooth functioning of such advisers can be achieved overnight, when the armed forces become engaged in armed conflict. It is suggested that legal advisers carefully selected and adequately trained for their role under Article 82 of the Protocol, should, in time of peace, become a normal part of all planning staffs at the higher levels. They should receive, for monitoring, all directives and standing instructions issued within the armed forces, as a routine. If such legal advisers are attached to the crucial levels of military command, their numbers need not be great. In time of peace they should also have the important role of advising on the necessary instruction to be given to the armed forces upon the Conventions and Protocol I. In time of armed conflict legal advisers must carry out the vetting and monitoring of planning and operational and non-operational directives.

It is of particular importance that legal advisers to commanders are not only available when necessary, but that they be kept informed of all matters which concern their areas of legal advice. In the strict sense, advisers are approached by those needing advice. It is implicit in the terms of Article 82 that commanders should consult such advisers on the application of the Conventions and of the Protocol. Too often in the past legal advisers have been ignored, or if consulted, their advice has been disregarded if it did not accord with the wishes of the party advised. Also there is the risk of a commander playing off one adviser against another or casting around the range of advisers until one is found who gives the advice required. Article 82 does not in terms permit the adviser to "protest" proposed illegal acts or to report such acts after their commission. A basic directive governing the role and functions of these legal advisers and their relationship to commanders might have some value if such advisers are to be given a fair chance of discharging the tasks entrusted to them by Article 82. Advising in the military organization also poses the question of the rank of the adviser, normally considerably lower than that of the commander advised. This will need attention.

E. CONCLUSIONS

The idea of legal advisers to military commanders is nothing novel. Such advisers have an accepted and established role in relation to discipline and courts-martial. The novelty of their role under Article 82 of the Protocol is three-fold:— (i) advising commanders upon the application of the Conventions and of the Protocol, i.e., a substantial area of the international law of armed conflict; (ii) advising commanders in time of armed conflict upon those Parts, III and IV of the Protocol, which deal with the conduct of military operations; and (iii) advising commanders upon the instruction to be given in the armed forces on those instruments. Article 82 places a heavy, crucial and diverse responsibility upon those advisers as well as on the commanders to whom their advice is proffered, particularly in operations.

To the extent that systematic and effective instruction is given to armed forces in time of peace the greater is the chance that such legal advice will be effective in time of armed conflict. Commanders who are aware that the troops under their command have been properly instructed as to what may not be done in armed conflict, whether in operations or otherwise, will not normally be prepared to ignore advice proffered to them which reinforces those prohibitions.

The real value of the work of legal advisers to commanders lies probably in their close peace time association of such advisers with planning and the issuance of the operational directives which flow from that planning. Once these legal advisers have become accepted as part of the regular staff grouping round a commander as are Intelligence or Operational Staffs, in time of peace, their tasks will be that much facilitated in time of armed conflict. Clearly advising on instruction in the Conventions and the Protocol should be a peace time role. The staff of legal advisers will also have to prepare in peace time their own expansion in order to train the large numbers of lawyers who will be joined to them from civilian life in time of armed conflict.

The main advisory role in time of peace, apart from advising on instruction, will probably be active participation in all military planning and in the monitoring of all operational and other directives prepared before the armed conflicts begin. In time of armed conflict their role should extend to the “clearing” of all operational directives issued from higher commands on land and from air and naval commands engaged in

operations against land targets. How far forward such advisers should be sited will depend on the combat situation and the nature of the operations being undertaken. Article 82 rightly gives considerable flexibility as to the availability of such advisers.

Likewise, such advisers will have an important role to play in advising upon the day to day application of the Conventions and the Protocol in the rear areas and in occupied territory.

The implementation of Article 82 in time of peace will be a vital testing of the good faith of States and of their genuine acceptance of international humanitarian law in the conduct of warfare. The application of that law will depend in part upon whether legal advisers are to be allowed to perform the functions conferred upon them by Article 82 of Protocol I. Governments would be well advised to launch this system of legal advice and to accept legal advisers on their military staffs now, in time of peace. There is plenty of work to be done by such legal advisers long before armed conflicts occur if States are going to implement Article 82 in good faith, as their legal obligation requires them to do when they accept Protocol I. That provision has been framed with a measure of flexibility and pragmatism which leaves little excuse for ignoring it. The system of legal advisers to commanders, if properly implemented, may give the Conventions and the Protocol a significance and a relevance in armed conflict which the Protecting Power system has hitherto not been able to achieve. Finally, this is an area of activity where the international lawyer may play a vital part in salvaging some remnants of humanity and decency amid the cruelties, miseries and squalor of all wars. The task is worth the attempt.

Professor Colonel G. I. A. D. DRAPER, O.B.E.,
Professor of Law in the University of Sussex

THE LAW OF WAR AND THE ARMED FORCES

by F. de Mulinen

1. Growing complexity of armed conflicts and of the law governing them

Armed conflicts in modern times are becoming more and more complex. The once classic distinction between international and non-international wars is increasingly blurred. Technical developments in weapons continue to advance and their destructive power, their velocity and their range have not ceased to grow.

Only a hundred years ago, fighting took place exclusively between soldiers and did not affect civilians, apart from the very few who had the misfortune to be near a battlefield. But since then, and especially since the Second World War, civilian casualties have increasingly outnumbered military.

A natural sequence to the development of the methods and means employed in war has been that the law of armed conflicts has also continued to grow in complexity. The first Geneva Convention concluded in 1864 was clear and succinct. In ten articles it set forth the basic principles of equal treatment of the wounded irrespective of whether they were friend or foe, of the right of civilians to treat wounded soldiers, of the neutrality of military medical services and of the distinctive sign of the red cross on a white ground. The Convention stated that "the implementing of the present Convention shall be arranged by the Commanders-in-Chief of the belligerent armies following the instructions of their respective Governments and in accordance with the general principles set forth in this Convention" (Article 8).

Since that time, several sets of Geneva and Hague Conventions have been drawn up. The provisions concerning the conduct of hostilities were drafted in 1907, before the use of aircraft, while the rules for the benefit of the victims of hostilities (wounded, prisoners, inhabitants of enemy-occupied territories), i.e., those contained in the Geneva Conventions, were revised in 1949 and were based on the experience derived

from the Second World War, as also was the 1954 Hague Convention for the Protection of Cultural Property.

The Conventions, being so widely separated in time, bear the marks of their epoch. The terminology current at the beginning of this century has also changed. For instance, in 1907 one still spoke of “undefended towns, villages, dwellings, or buildings”, a notion recalling the distinction, inherited from the Middle Ages, between towns surrounded by fortifications recognizable as such from afar, and open localities which were neither fortified nor defended. Today, the more usual terms are “military objective” and “non-military or civilian object”. It is therefore necessary to know the modern meanings of expressions of an earlier period.

The new Conventions are, moreover, much more detailed. They still state a considerable number of essential principles, but the provisions in respect of particular cases are much more numerous. It has become difficult to pick out the more significant clauses among the six hundred articles (not to mention the annexes) of the main Conventions still in force.

2. Need to establish priorities and methods for creditable teaching

One of the consequences of the ever-growing number of conventions, their increasing bulk and complexity, is to diminish the creditability of the law of armed conflicts. Men trained to do battle and ready if need be to lay down their lives in the accomplishment of their duty do not wish to be encumbered with regulations which to their minds are just fanciful theories propounded by jurists who have no idea of the military realities. At best, even though soldiers might perhaps be inclined to observe certain elementary humanitarian principles, they are not sure that their adversaries will do likewise and they consequently yield to the urge to consider themselves free of any such obligation.

Any kind of genuine teaching of the law of armed conflicts must take into account this kind of unfavourable background. The aim must therefore be to create a climate conducive to effective and durable instruction.

The question is one of priorities and methods.

It is important, at the outset, to realize, and in particular to win over those who are still not yet convinced that it is impossible to instruct everyone in all the various aspects of the law of armed conflicts. A selection has to be made, which means that *priorities* must be established, with regard to the subjects as well as to the persons to be taught. There will inevitably be, on the one hand, matters of primary and of secondary importance, and on the other, there will be some persons who should receive instruction before others. A subject which might be of primary importance for one category of persons might be of lesser importance or none at all for other categories.

Among those to receive instruction, priority should be given to the armed forces set up and trained for combat, whose members must therefore know their obligations, under the law of armed conflicts, to cause the least possible loss of life and material damage. Compared to the combat duties to be discharged by the armed forces, by their units, and even by each man, the law of armed conflicts will always seem to them to be of minor importance. It is essential to seek the best means to render the instruction effective. Thus the problem of *methods* automatically attends the problem of priorities. The two are extremely important to ensure respect for the law of armed conflicts in all circumstances, chiefly in actual combat, and not only during exercises.

To obtain respect for the law of armed conflicts, hence to render it efficacious, its teaching must be made creditable. This means that abstract notions must be set aside and that one must constantly seek to relate the international regulations to the practical facts which States and their armed forces have to contend with. For example, it is not enough to tell the men that an enemy who is captured or who surrenders becomes a prisoner of war. They should first of all be given realistic and practical instructions what to do with such an enemy, where he should be taken, how to treat him and where he should be held pending his evacuation, what to do with the weapons and other military equipment he might have had with him, and so on.

Moreover, the prisoner must not be considered singly, outside the context of the unit which captured him. This particular unit has a mission to discharge. If the capture took place in the course, or at the end, of an assault, the leader and his men will still be primarily concerned with the job of continuing the assault or, if their objective had been attained, with the task of organizing defence in the event of a counter-attack by the enemy. It would not be possible to detach too many men to guard the prisoner. Perhaps, he could be looked after provisionally, possibly in a shelter, until more time could be devoted to him and he could be evacuated to the rear.

In any case, whatever may be the priorities and methods employed and the degree of creditability reached in the teaching, it will always be the responsibility of each State to ensure respect for the law of armed conflicts, in accordance, for instance, with Article 1 of each of the four Geneva Conventions of 1949, which states: "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances".

3. Special features of the military background

Members of the armed forces are more likely to accept the ideas put forward if the expressions used are familiar to them. Those trained to fight in time of war comprehend the expression "law of war"—which

needs no explanation—better than terms such as “law of armed conflicts” or “humanitarian law”. The usual acceptance of the latter term is in any case too narrow, as implying only the law of Geneva. Consequently, for creditability and efficacy, we will speak from now on only of the “law of war”.

*

It is the experience of the International Committee of the Red Cross, in particular, that to spread knowledge of the law of war throughout the world in general, among civilians as much as among members of the armed forces, considerable efforts must be made to adapt teaching methods and means to the special circumstances reigning in different regions of the world. What is suitable for Europe cannot be exported wholesale to Africa, while a model which has been devised specially for Africa, or parts of Africa, will not suit countries in Asia or Latin America. Traditions, motivations, the origins of the law regulating relations between peoples, nations and States, whether in time of peace or in time of war, differ from place to place.

For the armed forces, the situation is quite different. There is less need, if at all, to adapt instruction to the various regions, because armed forces by their very nature resemble each other to such an extent, in their organization, structure, terminology, and methods and means of combat, that they are in many respects practically identical. In fact, the organizational terminology based on French has been adopted by most States and is everywhere understood, even in translations which are often a mere adaptation of the pronunciation of the French word. For example, the words non-commissioned officer, captain, company, artillery, division, mean the same thing for every one, and the same applies to certain elementary tactical expressions like to attack, to defend, to hold, etc.

It follows that military people, especially those who have similar functions, can understand each other very well. It was found, at the international courses on the law of war first organized in 1976 for officers by the San Remo International Institute of Humanitarian Law, that officers belonging to the same arm or service, but coming from different continents, often understood each other more easily than officers of the same nationality, for instance, one belonging to an arm and the other to the military judiciary.

To summarize, it may be said that models may be devised for use in all armed forces, but that among civilians, one would have to take regional considerations much further into account.

*

The only rules that count for the armed forces are those that must be applied in war. The question as to who is at the origin of a conflict and who is the victim is a matter belonging to the realm of politics and is of no concern to members of the armed forces. All they need to know is that their country is at war and that they are obliged to respect the law applicable in armed conflict, that is *jus in bello*. In this way the armed forces and their members are not involved in any possible political discussions and controversies on the right to wage war or not to wage war, that is *jus ad bellum*. The respect for *jus in bello* is not, therefore, dependent on individual opinions as to the causes or the justice of the conflict.

*

In the armed forces, it is the commanders' duty to ensure observance of the law of war. Every leader is responsible for giving instruction to his men and for their behaviour in action.

First of all, the leader must be able to act sufficiently early to avoid the commission of acts which are contrary to the law of war. As he is responsible for acts committed by his subordinates, he must be capable of imposing his will, if necessary by taking disciplinary measures. This forms a part of the requirements of order and discipline. With this end in view, he must not be bound by a complicated legal system, calling immediately for charges to be brought before a court or containing numerous possibilities of appeal. Such a system would undermine his authority, impair order within his unit, waste time and delay disciplinary sanctions which would no longer have their full effect and consequently could run contrary to the aims of the Geneva and Hague Conventions.

To deprive a leader of the means of exercising his authority might, among other consequences, cause him to act arbitrarily regardless of the law of war. He would then only take military requirements into account. But this must be avoided. General Eisenhower's Christmas message to his troops should be kept in mind: "I do not wish the expression military necessity to mask slackness or indifference; it is sometimes used where it would be more exact to say military convenience or even personal convenience."

4. Priorities outlined in the Conventions

The law of war has very little to say on the matter of choices to be made and priorities to be observed. In the Geneva Conventions of 1949 and the Hague Convention of 1954, it is laid down, in general terms "... in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible... and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction...".

Depending on the purpose of each Convention, a few supplementary indications are to be found. In the First and Second Geneva Conventions (wounded and sick), there is the following: "... in particular to the armed fighting forces, the medical personnel and the chaplains"; in the Third Geneva Convention (prisoners of war): "Any military or other authorities, who in time of war assume responsibilities in respect of prisoners of war, must possess the text of the Convention and be specially instructed as to its provisions"; the Fourth Geneva Convention (civilians) contains a text similar to the one in the Third Convention; and the Hague Convention of 1954 has the following: "... and personnel engaged in the protection of cultural property". Even though those Conventions do not say much, they do nevertheless give an indication of how to determine priorities and make a choice.

Some problems may have to be faced by all members of the armed forces, while others concern only specific levels or particular services. If we consider the law of Geneva, we will at once see that, apart from the requirements regarding the care and evacuation of the wounded, the major part of the First and Second Conventions concern medical personnel alone and more particularly those in the rear. In the Third Convention, only the few articles concerning capture, evacuation and the elementary requirement to treat prisoners humanely are of general interest. All the other provisions concern solely life in prisoner-of-war camps and are consequently directed to specialized personnel. As for the Fourth Convention, apart from some basic provisions regarding relations between military and civilian persons, it belongs essentially to the field of the "G 5" (civilian affairs) and the occupation bodies. A survey of the principal Hague Conventions leads to a similar result.

The first conclusion to be drawn, therefore, is that very few provisions of the law of war are of immediate interest to all the members of the armed forces. Most of the numerous articles in the Conventions concern only special categories of military personnel.

5. Priorities according to specific levels and functions

At the European Red Cross Seminar on the Dissemination of Knowledge of the Geneva Conventions, held at Warsaw in March 1977,¹ a group of military experts outlined a table of priorities according to

¹ Organized jointly by the International Committee of the Red Cross and the Polish Red Cross, and attended by representatives of 23 National Red Cross Societies of European and North American countries. — The experts' full report was published in the *International Review of the Army, Navy and Air Forces Medical Services*, Liège (Belgium), Nos. 9-10 (1977) pp. 737 ff.

specific levels (see Table 1, below), showing the knowledge required concerning the law of war. So as not to include too much detail, which might be confusing, only the numbers of the articles and the keywords relating to the subject mentioned have been indicated.

The table offers suggestions and is not meant to be exhaustive. It was drawn up on the basis of the requirements of the combat troops of the land forces. Adjustments and amendments are necessary where naval and air forces are concerned. Similar tables may be devised for the internal needs of certain services, such as the prisoners' service (camps, transit camps, general administration), medical service (from combat units to central command), military police (here, national data are particularly important as the organization of the police varies greatly from State to State), administration of occupied territory (law and order, logistics, justice, etc.).

The teaching of military personnel should not start from nothing; it should be able to count on at least an elementary set of moral principles based on the respect of the human person which the soldiers will have acquired at school while still in civilian life prior to their recruitment.

Within the armed forces, the main effort of instruction should be directed to privates, who are in the majority and who go into action on the battlefield; they should be the first to receive instruction.

When teaching privates, consideration should be given to the most unfavourable circumstances, when the fighting man, almost or entirely alone, suddenly has to face the unexpected: an enemy who surrenders, a wounded soldier lying across his path, a civilian who moves into his line of fire just as he is about to squeeze the trigger, an objective which is found during an attack to be marked with a red cross, etc. Such situations demand a response which should not only be immediate, but should be above all correct and in conformity with the law of war.

These responses should be as automatic to every soldier as is his use of weapons. They should occur under all circumstances, especially when a soldier, alone in action, is in hostile surroundings, caused either by the enemy or by the natural environment; when his nerves are stretched almost to breaking-point, when he has seen his best friends killed or dying, when he has been ambushed, maybe by irregular forces, or when he is suffering from bad weather or extremes of cold or heat.

It is not only the men belonging to the fighting units proper who should develop such reflexes. Sudden and unforeseeable situations, due to transportation by air, parachuting, or guerrilla action, may develop anywhere at any time, even in reputedly safe zones located far behind the front. Therefore, all members of the armed forces should be trained to act automatically. Such reflexes are achieved only by intensive training and, above all, by constant repetition. This instruction should result in observance of at least the minimum obligations required to produce behaviour in conformity with the law of war, such obligations

TABLE 1 PRIORITIES ACCORDING TO SPECIFIC LEVELS

Prior to recruitment	General principles	
Privates	"The Soldier's Rules"	
Non-commissioned officers	As above, with all or some of the articles taught to lieutenants and captains	
Lieutenants to captains	<p>As above and:</p> <p>H WL: 22-28</p> <p>H WL: 32</p> <p>G 1-4: 3</p> <p>G 1: 15-18</p> <p>G 1: 24, 25</p> <p>G 3: 4</p> <p>G 3: 5</p> <p>G 3: 12-20</p> <p>G 4: 27-34</p> <p>H CP: 4</p> <p>H CP: 8, 9</p> <p>G 1: 49, 50</p> <p>G 2: 50, 51</p> <p>G 3: 129, 130</p> <p>G 4: 146, 147</p> <p>H CP: 28</p>	<p>conduct of combat</p> <p>bearer of flag of truce (respect)</p> <p>minimum rules protecting persons not or no longer taking part in hostilities</p> <p>care for wounded; the dead</p> <p>medical personnel and chaplains</p> <p>prisoner-of-war status</p> <p>prisoners of doubtful status</p> <p>protection and evacuation of prisoners of war</p> <p>protection of civilians</p> <p>cultural property (general protection)</p> <p>cultural property (special protection)</p> <p>penal sanctions (general provisions, grave breaches)</p>
Majors to colonels/brigadiers	<p>As above and:</p> <p>H WL: 33, 34</p> <p>G 1: 19, 21, 22</p> <p>G 4: 15, 17</p> <p>G 4: 18, 19</p>	<p>bearer of flag of truce (treatment)</p> <p>military medical establishments</p> <p>neutralized zones; local arrangements</p> <p>civilian hospitals</p>
Division commanders and higher levels	<p>As above and:</p> <p>G 1: 23</p> <p>G 1: 28, 29</p> <p>G 4: 14</p> <p>H CP: 11</p>	<p>hospital zones and localities</p> <p>captured medical personnel (status)</p> <p>hospital and safety zones and localities</p> <p>cultural property (special protection: withdrawal of immunity)</p>
At commander-in-chief level	all Conventions	

Abbreviations: see p. 26.

being set out in a sort of code, called the "Soldier's Rules", like the one drawn up by military experts at the Warsaw Seminar (see Table 2).

Leaders of small units might also find themselves in the same situation as the isolated soldiers. Patrol, section or platoon leaders and even company commanders should react immediately to ensure respect of the law of war. All these leaders must make their decisions alone.

As a general rule, the higher the level the greater should be the range of knowledge of the law of war. Though problems are more complex, they are not so urgent, and the commander has more time and, especially, a staff at his disposal, to work out solutions.

However, even at the level of units comprising a staff, the teaching of the law of war should not be too concerned with minute details. Apart from fundamental or current matters, the problem mainly consists in knowing where to search and find answers and solutions to the questions raised. If a particular question cannot be answered with the assistance of a specialist from the staff or with the documentation available, one should know to what superior or parallel level or service one should apply.

Needless to say, at commander-in-chief and government level all problems related to the law of war should be solved.

6. Teaching methods in general

The ultimate purpose of the teaching of the law of war being to ensure genuine respect for that law, such teaching must be made creditable. A favourable climate must be created and, especially, the authorities responsible for the instruction of the armed forces in the first place, and all military leaders in the second place, must be won over.

Only men convinced of the need and creditability of the law of war will wish to do and know how to do what is required to ensure its respect. This consideration must guide the choice of methods.

Abbreviations used in Table 1

H WL	Regulations respecting the Laws and Customs of War on Land, The Hague, 1907
G 1	First Geneva Convention of 1949
G 2	Second Geneva Convention of 1949
G 3	Third Geneva Convention of 1949
G 4	Fourth Geneva Convention of 1949
G 1-4	Article common to the four Geneva Conventions of 1949
H CP	Convention for the Protection of Cultural Property in the event of Armed Conflict, The Hague, 1954

TABLE 2 THE SOLDIER'S RULES

1. Be a disciplined soldier. Disobedience of the laws of war dishonours your army and yourself and causes unnecessary suffering; far from weakening the enemy's will to fight, it oftens strengthens it.
2. Fight only enemy combatants and attack only military objectives.
3. Destroy no more than your mission requires.
4. Do not fight enemies who are "out of combat" or who surrender. Disarm them and hand them over to your superior.
5. Collect and care for the wounded and sick, be they friend or foe.
6. Treat all civilians and all enemies in your power with humanity.
7. Prisoners of war must be treated humanely and are bound to give only information about their identity. No physical or mental torture of prisoners of war is permitted.
8. Do not take hostages.
9. Abstain from all acts of vengeance.
10. Respect all persons and objects bearing the emblem of the Red Cross, Red Crescent, Red Lion-and-Sun, the white flag of truce or emblems designating cultural property.
11. Respect other people's property. Looting is prohibited.
12. Endeavour to prevent any breach of the above rules. Report any violation to your superior. Any breach of the laws of war is punishable.

There can never be only one correct method; but there are principles valid in general for every type of teaching. The choice of methods depends on the objectives to be reached in accordance with the priorities which have been fixed.

The methods used to teach the privates, whose responses must be automatic, will be quite different from those suitable to levels and specialists confronted by problems demanding consideration and study.

It is important to avoid teaching systems which are too complicated. As for the choice of subjects to be taught and the people to be taught, methods must be simple and must concentrate on essentials.

The teaching of the law of war must cease to be marginal, as it all too frequently is, and must become an integral part of the day-to-day work and life of the soldier. It must no longer be a sideline, and an exception, or even an unwelcome task which is mentioned as little as possible, if at all, on the pretext that programmes are already overloaded or that a teacher is not available.

It is better not to speak of the law of war at all than to discuss it badly, haphazardly or without conviction.

As long as the teaching of the law of war remains marginal, it will not have any lasting effect. We must therefore introduce law of war problems regularly and as frequently as possible into the work and exercises of staffs and units.

These preliminary remarks lead us to two types of teaching; one we shall call "*teaching to convince*", and the other "*teaching properly so called*" which is intended to have a lasting effect. This second teaching is not to be confused with current information of mainly transient effect and akin to public relations.

*

"*Teaching to convince*" is for persons who, by reason of both their position in the national administration and their personal ability, are capable of understanding and especially of ensuring, in a creditable and effective manner, the teaching of the law of war right down to the level of the privates.

This teaching does not and should not claim to produce specialists. Its aim is to show the problems raised by the law of war, what is of general interest, and what is of concern only to specific arms, services or functions. Next, the international regulations should constantly be studied in relation to the specific aspects of national military organization. This must all be done without losing sight of the need to adopt the most appropriate methods of teaching.

The teaching designed "to convince" may with advantage cover topical law-of-war problems requiring additional measures to be taken by every State and its armed forces. This is the case in anticipation of the forthcoming ratification and application of the Protocols additional to the Geneva Conventions of 1949.

*

In "teaching properly so called", at all levels and for every specialty, the first and constant concern should be to remove the marginal character of the teaching of the law of war. It is not just a matter of incorporating this subject into teaching programmes; what is required especially is to ensure that everyone actually participates in accordance with the demands of his functions. No one should feel that he is wasting his time on the law of war or that he is being given something to do for want of more useful work.

The leaders must exert some imagination to conceive of exercises and a suitable scenario.

The outline of teaching with general needs in mind will be as follows:

Lectures, regulations, booklets and if possible films, may serve to give an introductory lesson to the company. For privates the main part of the work will be done during individual or squad combat exercises; for NCOs and officers it will be done during practical training sessions.

For majors and upwards there will be few lectures but mainly seminars at which more complex problems may be discussed. At these levels, practical training will take place during tactical and special exercises, at commander-in-chief level during strategic exercises. For the ranks from major to colonel there will be individual work as well as staff work, above them it will mainly be staff work. At division and higher levels, relations with the civilian authorities and the population will also be dealt with, while at commander-in-chief level a large part of the work will be devoted to international problems.

Within the armed forces practical detailed procedures will take into account the special needs of each type of unit. For a section, or platoon, belonging to a company of a battalion, which itself belongs to a divisional regiment or brigade, the practical detailed procedures will not be the same as for an isolated patrol or other small independent unit. Another example is that detailed procedures for infantry will differ from those for armoured units. Each unit must consequently adapt the general teaching methods to its own requirements.

When establishing teaching concepts it is important to avoid pictures which may be interpreted in a manner contrary to what was intended.

Simplification by the use of pictures is sometimes dangerous. For example, an illustration of the prohibition of a particular action against a specific object might give the impression that any other hostile act against that same object is lawful. This is the case of a picture sometimes shown depicting a soldier about to empty into a reservoir a recipient bearing the skull and cross-bones and the word "poison". This is intended to show that it is not permitted to poison water. Yet it has been inferred that this picture recommends the destruction of that very same reservoir by the use of explosives. Common sense indicates often that the reservoir must not be harmed, for the attacker would derive no advantage from destroying the water supply of the locality he wishes to take, since the water supply would peter out only some hours after destruction of the reservoir. Such destruction will be of no use to the attacker and will in no way inconvenience the defender. On the other hand, the attacker will suffer the consequences once the objective is taken.

Teaching to small units and privates must be kept simple. Repeated exercises are essential; demonstrations and audiovisual methods should only be used by way of introduction to the teaching. It should never be forgotten, incidentally, that expensive training methods can be used on a large scale only in few countries, and therefore do not lend themselves to constant repetition at lower levels.

*

General information on the law of war is given in a number of ways, including occasional lectures, courses, articles in the daily press and in periodicals, booklets and all kinds of audiovisual techniques. Such information is frequently for all and sundry.

General information is usually more occasional than regular and makes no demands on the audience. However, when it is conveyed methodically and repeated continually, it can fulfil a public relations function by creating a favourable climate for understanding and respect for essential humanitarian principles.

7. Example of teaching "to convince"

Since its foundation in 1970, the International Institute of Humanitarian Law (San Remo) has considered that one of its essential tasks was to contribute to the dissemination of knowledge of the law of war among the armed forces. To do so it set up a general concept of teaching

TABLE 3 INTERNATIONAL COURSES ON LAW OF WAR FOR OFFICERS
(General working programme of the International Institute of Humanitarian Law)

	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday
Morning	Opening	GC introduction L hostilities S hostilities	GC combatants L medical service S medical service	GC protected places * ad hoc teaching	No ** scheduled activities	Exercise I	GC civilians L neutrality S neutrality	Exercise II Closure
Afternoon	L introduction S introduction	GC hostilities L combatants S combatants	GC medical service L protected places * S protected places *	No ** scheduled activities	No ** scheduled activities	GC exercise I L civilians S civilians	GC neutrality L application L/S dissemination	

* "Protected places" = term covering places and establishments enjoying particular status: e.g. safety and/or hospital zones and localities, medical establishments, cultural property.

** Saturday afternoon and Sunday can be used by the teaching staff to prepare work for the second week, taking into account the experience of the first week.

L = lecture (45 min.) S = seminar (120 min.) GC = general conclusions (15 min.).

and a detailed working plan for courses of the type "to convince". Since 1976 it has been organizing international courses on the law of war for officers.¹

These courses are intended for high ranking officers with the necessary authority to ensure the effective dissemination of knowledge of the law of war in the armed forces, and also, for a wide range of specialists, to show at seminars and exercises the peculiarities of the various arms and services.

Teaching is given subject by subject and is not a systematic study of the Conventions one after the other (see Table 3). In this way, similar and related problems are dealt with together. The choice of subjects and the order in which they are dealt with depend on their importance for the armed forces.

Emphasis is laid on work in small groups. Each main subject is introduced in one short lecture for the whole course. Practical work then takes place in the form of seminars in classes of ten participants at most. This practical work is supplemented by two exercises.

Seminars and exercises are based on actual tactical situations. They are intended to demonstrate the tasks of the various levels in the law of war, the importance of inter-service and inter-arm relations, to show and solve the problems which occur in combat and, finally, to elaborate the most suitable methods of teaching troops the essential principles of the law of war.

At the end of each seminar and exercise the course director draws up the general conclusions on the essentials to be kept in mind.

In the exercises in which each participant assumes a specific function (commander or member of a staff), it is important to carry to extremes, up, down and sideways, the events which have occurred and the decisions which are taken at a given level. By such action, one goes beyond the abstract and relates international provisions to the specifics of the organization and terminology peculiar to States and their armed forces.

In dual action exercises, one approaches law of war problems from various angles and stimulates discussion between neutrals and belligerents, likewise between opposing belligerents, in the latter case directly or through a third party (protecting powers, International Committee of the Red Cross, United Nations and UN forces, UNESCO). An extract of a scenario is given in Table 4.

In addition to the teaching of the main subjects there is special instruction on, for example, the Red Cross and problems of interest more especially to certain participants (e.g. air warfare, sea warfare). This teaching is given in *ad hoc* lectures for which half-a-day is set aside midway through the course.

¹ The general concept has already been presented in *The Military Law and Law of War Review*, Brussels, Vol. XV-1-2 (1976), pp. 171 ff.

**TABLE 4 DUAL ACTION EXERCISE: ALPHALAND
AT WAR WITH BETALAND**

Extract from a quick-action scenario

Time	Event	Communicated to:	
		ALPHA- LAND	BETA- LAND
2110	Company Commander requests artillery fire to destroy observation post in church tower		Battalion
2114	Section requests explosives to blow up village water reservoir		Company
2118	An ALPHALAND company has retaken village Z and has learnt that BETALAND has taken away some of the inhabitants to BETALAND	Battalion	
2122	Delegate of the International Committee of the Red Cross asks to visit the POW camps in BETALAND		Commander-in-Chief
2126	Mayor of X, a town in ALPHALAND, asks for neutral status for eastern part of the town to protect the population from the fighting	Division	
2130	Mixed Medical Commission arrives at POW camp 27 in ALPHALAND	Commander of POW camp	
2134	In view of the threat from BETALAND the regional government proposes to declare its capital an "open town".	Government	
2138	Message announcing overflight of BETALAND territory by an ALPHALAND medical aircraft conveying seriously wounded		Anti-aircraft battery
2142	BETALAND advances rapidly towards POW camp 12 and the military hospital Q in ALPHALAND	Commander of rear zone	
2146	First two BETALAND tanks destroyed as they reach the outskirts of the "open town"		Tank company
2150	ALPHALAND government requests repatriation of its medical personnel captured by BETALAND		Government
2154	An NCO: "I have four prisoners and am making them remove mines"	Section	
2158	A POW has killed a guard in POW camp Y in BETALAND		Commander of POW camp
2202	BETALAND military police chief in occupied town X: "6 armed civilians captured"		Commander of rear zone

Experience has shown that these courses "to convince" require very careful preparation. Repetitions and loopholes must be avoided, and balanced teaching throughout the course is indispensable. For that purpose, subjects must be well defined, and the same applies to whatever is planned for the introductory lecture and what is set aside for the actual seminar. Once these limits have been defined, the content and the proceedings of the lectures, seminars and exercises will be recorded in a teaching guide for lecturers and class leaders.

To ensure optimum results, each course must be in one language only. Consequently, there cannot be a permanent teaching staff, which would be the ideal system from the point of view of instruction. The thorough preparation of the teaching staff, particularly of the class leaders, before the course, is therefore of the greatest importance. The director of the course and the class leaders should review all seminars and exercises. It is of advantage for them to know beforehand the lectures prepared by the lecturers.

The lecturers' qualifications must include a minimal military background, combined with a sound knowledge of what they are to teach, while for the class leaders, the main need will have to be a sound training in co-ordinated arms actions, a need which is best satisfied by general staff officers with wide practical experience.

Nevertheless, and whatever the extent of preparation of the course and of the teaching staff, account must be taken of the special fields in which those taking the course are qualified; these are often unknown before the course so that the teaching must be adjusted in terms of their needs. The whole concept of the course must allow of flexibility, which is possible only if the course director is firmly in control.

*

The International Institute of Humanitarian Law has organized three "international courses on the law of war for officers":

- First course: 16-23 June 1976, at San Remo (Villa Nobel, the Institute's headquarters), in French. Participants: Belgium, Congo, Iran, Italy, Switzerland, Zaïre.¹
- Second course: 15-22 June 1977, San Remo (Villa Nobel), in French. Participants: Belgium, Cameroon, Canada, Spain, Iran, Switzerland.
- Third course: 7-14 September 1977, Florence (*Scuola di guerra aerea*), in Italian. Participants: Italy and Switzerland.²

In future the courses will be given also in other languages.

¹ Complete course published in: *Collana di studi del Comitato italiano per le ricerche sulla pace*, Rome, Vol. VI (1977) and in: *The Military Law and Law of War Review*, Brussels, Vol. XVI-1 (1977).

² Complete course to be published in: *Rassegna dell'Arma dei Carabinieri*.

8. Automatic responses of privates

As priority in teaching must be given to the privates, the main consideration in the choice of methods should be the automatic responses to be inculcated into every soldier.

These responses can only be obtained by correctly and regularly repeated action. The soldier must therefore carry out the exercises himself, for repeated practice cannot be replaced by the words of a teacher or by audio-visual means. This applies to the law of war just as it does to driving a car or using a weapon. One cannot learn to drive a car or shoot a rifle by watching a film, seeing the projection of a few slides or looking through a picture book. These are only secondary means, useful for giving an initial example or providing general information. What finally matters is the personal action, regularly repeated.

Let us refer again to the example of a captured adversary, taking a case in which a squad led by an NCO has reached its objective, an isolated house. One man in the squad enters the basement and finds an enemy who was unable to escape and stands with his hands in the air. His weapon is on the ground at his feet. What must be done? There is no time to hesitate, for the squad's mission continues and the problems created by the surrendering adversary must be solved at once.

Generally speaking, it should be made clear

- (a) that enemies who are surprised, who are unable to fight or who surrender must be captured;
- (b) that they must be disarmed, by taking from them any military equipment used for combat, but leaving them with military equipment which serves as clothing, food and protection, along with their personal effects;
- (c) that they must be evacuated as quickly as possible (by specified route and means of transport, and to a given destination);
- (d) that while awaiting evacuation, they must be guarded and as much as possible sheltered from the fighting;
- (e) what should be done with their weapons and military equipment.

It is advisable to incorporate these requirements into an aide-memoire providing a kind of "recipe" for the instruction, for a simple, direct and practical teaching adapted to the lower levels of the military hierarchy. It should provide answers to the problems confronting the combatant.

Other aide-memoires or "recipes" can be provided for other categories of captured men, for the wounded, the special cases of medical personnel and chaplains, and for the dead. "Recipes" may also deal with the correct conduct with regard to medical establishments and vehicles, cultural property, etc.

It is up to the armed forces in each State to prepare the necessary aide-memoire. On the basis of a particular scenario for each case, these will set forth the consecutive measures that the leader, or even the isolated man, should take. For evacuations, the way to follow and the final destination should be indicated.

The aide-memoire for the training of men is designed for company commanders, that is for the captains who are responsible for the preparation and engagement in action of all the means of combat of their unit.

For practical instruction, still using the example of a captured enemy, the director of the exercise needs only to choose a man to represent the enemy who surrenders and to specify his posture and location. His capture and subsequent treatment will then follow the aide-memoire. In an initial exercise, the case should be simply that of an enemy soldier. Later, difficulties may be added, by capturing an enemy who has important military documents or by confronting the NCO with more than one enemy so as to make his mission difficult to fulfil.

To simulate the treatment of the wounded, the director of the exercise will find it useful to have the co-operation of a military doctor, who will describe the condition of the patient and judge the correctness of the steps taken. Teaching of the law of war can thus be effectively combined with first aid training.

In the same way, the director of the exercise may call upon the services of a military chaplain to deal with the problems presented by the dying and the dead.

The questions raised above are of concern in training the privates. In the company as a whole, adequate teaching must also be given to the officers and main NCOs, in the interest of order and discipline and to reconcile the needs of captured persons with tactical requirements.

In addition, it is necessary to specify where and when the interrogation is to take place and who is responsible for it. This is obviously of concern to the intelligence service. Differences of language may create difficult problems calling for special rules. Each army will establish the procedure to be followed, taking into account its own needs and possibilities.

Another problem is that of the number and qualifications of the persons captured and the importance of the documents seized. Here again, the soldier must be told what to do. The aide-memoire cannot however cover every contingency without becoming overloaded. It is therefore important to specify that every capture must be reported to a superior as quickly as possible. It is up to the superior to take the necessary steps, for example to deal immediately with a captured officer in whom the intelligence service will be interested, or to reinforce the unit which has captured so many enemies that it may be unable to disarm, guard and protect them properly or evacuate them without jeopardizing its mission.

9. Problems raised by the Protocols additional to the Geneva Conventions of 12 August 1949

On 8 June 1977, at Geneva, the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law adopted two Protocols additional to the Geneva Conventions of 12 August 1949.

Unlike their precursors, the 1949 Conventions were not revised, and the risk was thus avoided of calling into question what had already been achieved. On the other hand, numerous subjects are now covered by separate texts.

A great deal of work must therefore be done within each State and especially in its armed forces. With a view to obtaining ratification and to putting the Protocols into effect, summaries must be made of the Conventions and Protocols, and a complete body of regulations governing specific subjects must be worked out. This procedure is necessary whenever a provision of one of the Protocols develops one or another of the Conventions only to a slight degree or only on a matter of detail, which is often the case. When, on the other hand, a Protocol provides an almost total innovation, one may use the Protocol as the essential basis, with relatively little reference to the Convention. This is the case for example for medical aircraft and their identification, since the slight references made in the First and Second Conventions are repeated in full and widely developed in Protocol I.

This work must primarily be done for combatants who, confronting an enemy, need clear, exact and immediately applicable instructions.

The Protocols contain some provisions, often rather long, which are the results of concessions which had to be made in order to reach agreement. A number of these concessions resulted in a loss of clarity and the possibility of various interpretations. There is great danger in such cases that States, in their internal documents providing for execution of the Protocols, will give too special an interpretation to certain provisions of the Protocols.

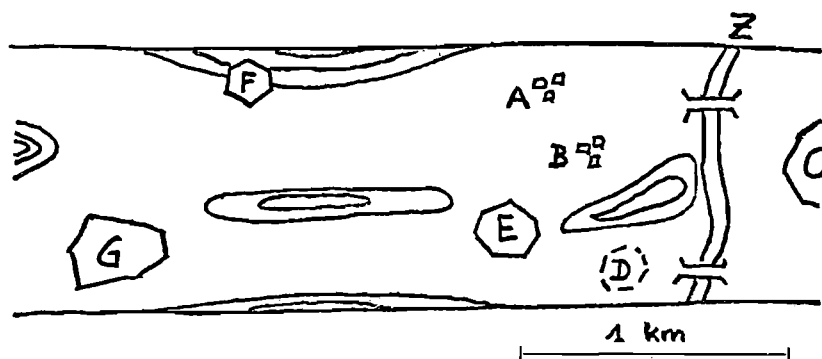
Other provisions indeed are even incomprehensible to the military mind, such as the definition which states that "Attacks mean acts of violence against the adversary, whether in offence or in defence". (Protocol I, article 49). But for any normally trained soldier, attack is one thing and defence another.

Consequently, in order to make the Protocols more creditable and hence truly applicable, it is essential to clarify for the armed forces points which are not clear and to "translate" into terms comprehensible to any soldier such phrases as that defining "attacks".

The International Institute of Humanitarian Law, conscious of the problems presented to the armed forces, especially by Parts III and IV of Protocol I, considered that it was not only useful but that it was its duty to study them thoroughly and to propose solutions, in the very interest of obtaining ratification and eventual application of the Protocols.

TABLE 5 COMMON TACTICAL DATA

Terrain



- A 3 houses (30 inhabitants)
- B 3 multi-storeyed buildings (300 inhabitants)
- D ancient ruins
- E 500 inhabitants
- F 100 inhabitants
- G 800 inhabitants

bridges—equal capacity
northern bridge—tower at each end

Missions

- *tank battalion* (2/3 tanks, 1/3 mechanized infantry)
to capture village C
- *infantry battalion*
to prevent adversary from reaching river Z and to bar passage near village F

TABLE 6 LEGAL BACKGROUND

Test 1

Law now in force (mainly the Hague Regulations on land warfare, 1907)

Test 2

Same as test 1, plus the following:

- 1 100-bed civilian hospital at G
- 1 cultural object under special protection: ancient ruins D
- 1 cultural object under general protection: northern bridge and its two towers
- 1 chapel on hill north of ruins D

Test 3

Same as test 2, but with the following provisions:

Protocol I, Article 57—*Precautions in attack*

Protocol I, Article 58—*Precautions against the effects of attacks*

In this spirit, the Institute took the occasion of two of its international courses on the law of war to carry out some practical tests. These courses, of the type "to convince", took place respectively at San Remo in June 1977 and at Florence in September 1977, after adoption of the final texts of the Protocols.

The tests were related to Parts III and IV of Protocol I, and especially to the military implications of new provisions dealing with conduct of combat.

To arrive at valid conclusions from the tests, it was essential to postulate conditions as simple and as similar as possible, so as not to lose sight of essentials and avoid becoming bogged down in details.

For this purpose, a very simple model was adopted: a strip of terrain 1 km wide and 3 km in depth. In this sector were two opposing battalions, one on the offensive and the other on the defensive. To bring into play the characteristics of different arms, the attacking unit was a tank battalion and the defending one an infantry battalion. The terrain was partly open ground suitable for tanks, and partly impracticable for armour, and therefore favourable for the infantry, due to its configuration, cover and inhabited zones (see Table 5).

Some conditions had to be imposed that were unlikely to occur very often in reality. To reach the direct confrontation between the adversaries and present both of them with the same problems, it was assumed that the defensive sector of one should correspond exactly to the attack stripe of the other.

To bring into evidence the consequences of different legal backgrounds, the same test was carried out three times on the same terrain with the same battalions having the same missions: the first time on the basis of the prevailing law (essentially that of the Hague Regulations on land warfare of 1907); the second time with the addition of a hospital and of two types of cultural property (one under special protection and one under general protection) and a chapel; and the third time the same as the second, but under the limitations of Articles 57 (Precautions in attack) and 58 (Precautions against the effects of attacks) of Protocol I (see Table 6).

The three tests produced the following results:

In tests 1 and 2, the Hague Conventions of 1907 (land warfare) and of 1954 (cultural property) and the Geneva Conventions of 1949 presented no obstacle to the conduct of combat, on the condition that in the same sector the protected places (civilian and military medical establishments, hospital and/or safety zones and localities, cultural property, etc.) were not too numerous, too large or too significant.

With regard to the new provisions of Protocol I, checked in test 3, it was found that those which impose restrictions and measures of precaution upon the combatants should not be regarded as being

addressed individually to each soldier. In such a hypothesis, these provisions would not be very creditable and therefore would be hardly applicable.

One cannot imagine, to take the case of an attacking tank battalion, that each one of the 30 or 40 tank leaders would, on his own, and constantly, balance "the concrete and direct military advantage anticipated" against the losses and damage which might be entailed in the civilian sector. Nor can one imagine that each of these tank leaders would interrupt the attack, that is, that he would stop his own tank in the midst of the general advance. Such estimates and the decisions resulting from them are still not conceivable at the level of the platoon (or section), the company, or the battalion. It would produce enormous confusion on the battle area, such confusion as to forbid any co-ordinated and hence successful military action, unless it were conducted in a completely desert zone.

Test 3 was therefore repeated at the level of the division. So as to permit comparisons, the figures for the sector were simply multiplied by 10, from an area 1 km in width and 3 km in depth to one of 10 km by 30 km, with 10 times the number of inhabitants in each locality (Table 7).

This variant of test 3 showed that what is inconceivable for a battalion becomes possible at division level and above. It is nevertheless incumbent upon the defender, whenever possible, to evacuate the population from the regions in which he intends to fight, so as to minimize the risks to the civilian sector. One must bear in mind that wherever he is, the defender will draw the fire of the attacker.

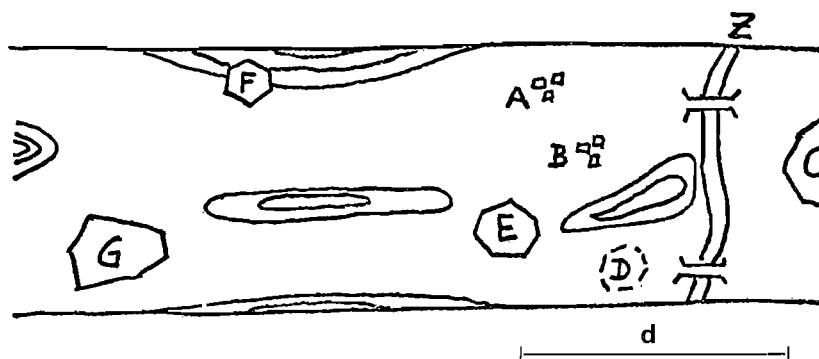
The measures and precautions set forth in particular in Articles 57 and 58 of Protocol I take a certain time to put into effect and have to be co-ordinated. It will nevertheless not always be possible to do all this in time, especially in the event of an improvised attack or defence, that is, in the case of units engaged while they are in movement, or in the case of reserves urgently rushed into battle.

On the other hand, whether in planning the attack or the defence, great precautions should and must be taken at and above the divisional level. It is at these levels that the co-ordinated arms action is planned and conducted, concentrating in a single area all the firepower available.

A great responsibility is therefore imposed upon the commanders of divisions and of groups of several divisions, to ensure the application of and respect for the provisions of Protocol I relating to conduct of combat. One cannot expect the impossible of them, however.

It is essential to reckon with these new provisions of the law of war already at the level of the government which assigns missions to their armed forces. One must not order missions which cannot be carried out and simply leave it to the subordinates to do the best they can. Too many "legal obstacles" added to the difficulties of the terrain may render an

TABLE 7 TEST 3 AT BATTALION
AND DIVISIONAL LEVELS



Battalion level ($d = 1 \text{ km}$)

- A 3 houses (30 inhabitants)
- B 3 multi-storeyed buildings (300 inhabitants)
- D ancient ruins; cultural object under special protection
- E 500 inhabitants
- F 100 inhabitants
- G 800 inhabitants, with a 100-bed civilian hospital
- bridges—equal capacity
- northern bridge—tower at each end; cultural object under general protection
- chapel on hill north of ruins D

Division level ($d = 10 \text{ km}$)

- A 3 houses (300 inhabitants)
- B 3 multi-storeyed buildings (3,000 inhabitants)
- D ancient ruins; cultural object under special protection
- E 5,000 inhabitants
- F 1,000 inhabitants
- G 8,000 inhabitants, with a 1,000-bed civilian hospital
- bridges—equal capacity
- northern bridge—tower at each end; cultural object under general protection
- chapel on hill north of ruins D

action impossible. The danger is that they may bring soldiers to the point of seeing military necessities everywhere.

It is the responsibility of every leader to evaluate the real possibilities open to his subordinates before assigning a mission to them. If there are too many legal constraints in the sector he intends to entrust to a subordinate, it is up to him to take this into consideration, either by modifying the mission he had in mind or the sector he had envisaged, on the one hand, or by taking adequate measures himself with regard to the "legal obstacles", on the other.

10. Conclusions

The law of war is becoming more and more complicated and less and less creditable amongst the armed forces. Its teaching, often marginal and intermittent, has little effect.

It is no longer possible to teach everything to every soldier. Choices must be made. It is a question of priorities and methods.

The most urgent aim is to inculcate a minimum of automatic responses in every soldier. To achieve this, the teaching of the law of war must no longer be regarded as a marginal matter but must be integrated into everyday military life.

Respect for the law of war is a matter of order and discipline. It is the responsibility of leaders to give effect to it and to take it into account in the missions assigned to their subordinates so that recourse to military necessity will remain exceptional.

Frédéric de MULINEN

INTERNATIONAL COMMITTEE OF THE RED CROSS

150TH ANNIVERSARY OF THE BIRTH OF HENRY DUNANT

On 8 May, a day traditionally devoted every year to celebration of the birth of Henry Dunant, the whole Red Cross movement throughout the world will observe the 150th anniversary of its principal founder. In Geneva, Dunant's native city, the ICRC, the League of Red Cross Societies, the Henry Dunant Institute, the Geneva section of the Swiss Red Cross, the Geneva Association of the Societies of Samaritans and the World Alliance of Young Men's Christian Associations (of which Henry Dunant was also one of the founders), have joined their efforts to organize a series of events, starting in May, to celebrate the anniversary.

An official ceremony will take place in Geneva on 8 May, in the morning, to be followed a few hours later by a similar event in Bern.

The Red Cross institutions in Geneva will open their doors to the public on Saturday and Sunday, the 6th and 7th of May. Exhibitions, commented and explained by Red Cross staff, will demonstrate the manifold activities of the Red Cross.

A multivision programme, the scenario, sound effects and production of which are now being worked on, will illustrate Henry Dunant's original idea, its present-day fulfilment and its future development. This will be given in May and will be repeated during the following months.

All the institutions which have received the Nobel Peace Prize will be invited to send representatives to Geneva to participate in a forum on "The Red Cross and Peace".

The Geneva Red Cross plans to offer a banquet and entertainment to a thousand isolated and handicapped persons, who will thus be "the guests of Henry Dunant".

From 26 May to 4 June, there will be, at Geneva Cointrin airport, an international exhibition of medical aviation and equipment, showing the most up-to-date models in these fields. Medical services of various armed forces and of civil defence forces, and specialised industries, will exhibit the latest technical progress.

In Geneva, the committee making arrangements for celebration of the 150th anniversary recently organized a competition for the design of posters to dramatize the significance of the Red Cross. The first prize

was awarded to a poster with a simple but vivid image, a white arrow pointing to a Red Cross emblem and the slogan "Join in", illustrating the year-long theme for 1978. Join in, or in other words, help the Red Cross, increase the number of its members, support its efforts.

MARKS OF APPRECIATION

In a brief ceremony on 14 December 1977, Mr. A. Hay, President of the ICRC, expressed the appreciation of the International Committee to several staff members who had worked for many years in the service of the institution.

The ICRC presented its silver medal to Mr. Jean-Louis Patru in recognition of his thirty years of voluntary work as pharmacist consultant for the pharmaceutical division.

The following staff members, who had completed twenty years in the service of the ICRC, received a silver tray: Mrs. M. Berthet, Mrs. G. Bovy, Mrs. R. Nicati, Mr. Ch. de Heney, Mr. M. Martin and Mr. N. Vecsey.

The International Committee also bid farewell to Mr. André Durand and Mr. Albert de Cocatrix, who had already received the silver medal and were now due for retirement. Mr. Hay thanked them, on behalf of the ICRC, for the eminent services they had rendered.

Delegate general and historian

Mr. A. Durand joined the ICRC in 1942. He was first a delegate in France, then in Palestine where he was seriously wounded, and later in the Far East. He accomplished many missions: to Hong Kong (1951), Vietnam, the People's Republic of China (1956), Indonesia, Ceylon and other countries. In 1959 he chaired, with the title of moderator, the conference in Rangoon, at which the two Red Cross Societies of Thailand and of North Vietnam discussed the repatriation of Vietnamese from Thailand. That same year he was made head of the special mission for the repatriation of Koreans from Japan. In 1962, he became the ICRC's delegate general for Asia and in that capacity carried out missions to Indonesia, New Guinea, Singapore, Malaysia, Japan, the Republic of Korea and Indo-China. Since his return to Geneva in 1970, Mr. Durand has devoted his time to writing a history of the ICRC. His book is expected to appear shortly.

INTERNATIONAL TRACING SERVICE (AROLSEN)

Director retires

The Director of the International Tracing Service (ITS), Mr. Albert de Cocatrix, retired on 31 December 1977.

Mr. de Cocatrix joined the ICRC in September 1944 and was sent as a delegate to Germany, then to the Middle East. In 1951 he became head of the Middle East Service of the ICRC at Geneva. During this period he carried out several missions for the ICRC in various countries. In 1955, the ICRC appointed him assistant director of the ITS at Arolsen, and in 1970, he became its director. In that capacity, he was the sole ICRC representative at the head of the service administering the records of the concentration camps and he directed with competence a vast and complex organization. He succeeded in keeping up and developing relations of trust with the countries concerned in the work of the ITS and it was due to him that it has acquired a reputation for thoroughness and efficiency. The ICRC is greatly indebted to Mr. de Cocatrix for the esteem in which the Arolsen institution is held.

New director

The ICRC has appointed Mr. Philippe Züger to succeed Mr. de Cocatrix as director of the International Tracing Service. Mr. Züger, a Swiss citizen, was born in Zug in 1923. He obtained a doctorate in law at the University of Fribourg (Switzerland).

After some years in international trade, followed by service with WHO and the United Nations in Africa, Mr. Züger joined the ICRC as delegate and undertook a number of missions in Africa, Asia and the Middle East before being posted to the ICRC delegation at the United Nations in New York. Since the beginning of 1977, he has been assistant director of the ITS at Arolsen.

An ITS publication

Register of places of detention

Before retiring, Mr. A. de Cocatrix wrote a foreword for a register of places of detention in Germany, in the occupied territories and in the lands under German control, during the years 1933 to 1945.¹

¹ "Register of Places of Detention under the *Reichsführer-SS*": International Tracing Service, Arolsen, November 1977, 878 pp.

This is a thick volume in three languages (German, French and English), prepared by the ITS under Mr. de Cocatrix. It supplements two earlier similar compilations: a "Catalogue of Camps and Prisons in Germany and German-occupied Territories", which appeared in three volumes between 1949 and 1951; and a "Recueil provisoire des camps de concentration" (1969).

The systematic examination of a vast amount of documentary material, gathered by the ITS during the last few years, and the co-operation of several records offices, authorities, institutions and private persons, enabled the ITS to augment to a remarkable extent its knowledge of the places of detention set up during and before the Second World War.¹ The new catalogue lists 618 places of detention not previously indicated, together with a large collection of unpublished or additional information, including a number of changes on previously catalogued places of detention, the different categories to which they belonged, the labour squads attached to them, their administration, penitentiary organization, etc. Even so, as mentioned in the foreword, notwithstanding all the additional documents that have been examined, it cannot be claimed that the catalogue is exhaustive.

This work constitutes a contribution to historical research. It is first of all a humanitarian instrument in the service of those who have languished in concentration camps and who need proof of the years of suffering which they have endured, in order to obtain the compensation to which they are entitled.

¹ For a vivid and up-to-date account of the ITS's work, readers may refer to Marc Hillel's book "Les Archives de l'Espoir", Ed. Fayard, Paris 1977, 257 pp.

EXTERNAL ACTIVITIES

Africa

Southern Africa

In December 1977, the ICRC appealed to governments and National Red Cross Societies for more than 3 million Swiss francs to cover its budget for relief activities in southern Africa in the first four months of 1978 and its operating overheads up to 30 June 1978.

By the end of January 1978 contributions announced had amounted to about 285,000 Swiss francs.

*

Delegates visited a number of places of detention in December and January.

In *Rhodesia/Zimbabwe*, in December 1977, ICRC delegates saw 935 detainees in eight places of detention; they talked in private with 615.

In *South Africa*, visits were in two stages: from 8 to 14 December 1977 and from 16 to 24 January 1978. The ICRC delegates and doctors saw 61 detainees under the Internal Security Act in four places of detention, and 419 convicted security prisoners in three places of detention.

An ICRC delegate on 21 December 1977 visited the three Cuban prisoners held in South Africa. The previous visit was in August 1977.

Mozambique

On 2 January 1978 the Government of Mozambique, the Patriotic Front and the ICRC signed an agreement in Maputo for the provision of assistance to amputee victims of the Rhodesian/Zimbabwe conflict. This project was devised following a mission carried out by the head of the ICRC medical division, Dr. R. Russbach, and Mr. Thierry Germond,

delegate, from 2 December 1977 to 2 January 1978. Visits to the hospitals in the provinces of Sofala, Manica and Tete enabled Dr. Russbach to survey the medical situation in Mozambique and to draw up a list of priorities in the assistance which, in close consultation with the Government of Mozambique and the Patriotic Front, the ICRC could provide for victims of the hostilities.

Botswana

Mr. F. Steinemann, ICRC delegate, and Mr. Stanissis, delegate of the League of Red Cross Societies, visited two refugee camps in Botswana from 8 to 14 December 1977. From their findings and their talks with the Botswana authorities and Red Cross, they concluded that the number of refugees would increase and that the National Red Cross would need outside help, particularly from the ICRC, to meet the situation.

East Africa

Ogaden conflict

The ICRC continued its efforts to provide protection and assistance for victims of the Ogaden conflict, especially prisoners and civilian population. Mr. T. Fleiner, a member of the International Committee, and Mr. R. Santschy, in charge of the East Africa Desk at ICRC headquarters in Geneva, were in Addis Ababa from 16 to 25 January 1978. The ICRC regional delegate for East Africa, Mr. U. Bédert, and Mr. J.-F. Pascalis, a delegate specialising in relief supplies, went to Mogadishu in December 1977 and again in January 1978.

In December, the ICRC sent the Somali Red Crescent 140 tons of medical supplies, blankets and foodstuffs. These were forwarded and distributed, in co-operation with ICRC representatives, to the hospitals in the combat areas.

In 1977 the relief supplies sent to Ethiopia and Somalia, plus those being prepared at the end of December, amounted to 499 tons, valued at 2 million Swiss francs.

Eritrea conflict

To check the typhoid epidemic, the ICRC in December sent the Eritrean Red Cross and Red Crescent Society two consignments of medicaments, the first consisting of 50,000 capsules of antibiotics, the second of 20,000 capsules, 3,000 doses of vaccines and 60,000 multi-

vitamin tablets. These consignments were financed by the Norwegian Red Cross.

In 1977, the ICRC sent 602 tons of various supplies, valued at 1.6 million Swiss francs, to Eritrea.

Mauritania

During the second fortnight of December, Mr. Jean de Courten and Mr. Fred Isler, ICRC delegates, were in Nouakchott, the capital of Mauritania, in connection with the ICRC's efforts to help the victims of the Western Sahara conflict.

They were received in audience by His Excellency Mr. Mokhtar Ould Daddah, the Head of State, with whom they discussed the problems encountered by the ICRC in its work of protection and assistance. The two ICRC delegates also met the President of the Mauritanian Red Crescent, Mrs. Sall, and other senior members of the National Society.

Morocco

Mr. de Courten was in Morocco from 20 to 23 December. In Rabat he was received by H.R.H. Princess Lalla Malika, President of the Moroccan Red Crescent, together with her senior colleagues. He also met the Secretary of State for Foreign Affairs and the Staff Officers of the Royal Armed Forces in charge of prisoners. He also visited 99 Algerian military prisoners.

Middle East

ICRC President in the Arab Republic of Egypt

At the invitation of the Egyptian Government, the President of the ICRC, Mr. Alexandre Hay, was in Egypt from 16 to 23 December.

He was accompanied by Mr. Louis Jaquinet, head of the ICRC mission in Cairo, and by Mr. Jean Hoefliger, ICRC delegate general for the Middle East.

Mr. Hay conferred with the President of the National Assembly, Mr. Sayed Marei; the Acting Minister for Foreign Affairs, Mr. Butros Ghali; the Minister of Health, Dr. Ibrahim Badran; the Minister of Social Affairs, Mrs. Amal Osman; the Vice-Minister for War, Admiral Fuad Zekri; and the Head of the Army Liaison Bureau, Major-General Hassan el Kateb.

He also met Mrs. Jihane Sadat, President of Honour of the Egyptian Red Crescent, and Dr. Mahmud Mahfuz, the National Society President.

Mr. Hay also visited the headquarters of the League of Arab States where he had discussions with Mr. Mahmud Riad, the Secretary-General.

In all his talks, Mr. Hay dwelt on the activities of the ICRC in the Middle East.

Delegate general's mission

The ICRC delegate general for the Middle East, Mr. Jean Hoefliger, carried out a mission in Israel in December 1977, with the purpose of deciding, with the ICRC delegation there, the practical steps to be taken in connection with the recent proposals put forward by the Israeli authorities regarding the new procedure for ICRC visits to security detainees. One of the effects of this procedure (described in the December 1977 issue of *International Review*) will be to increase the tasks of the ICRC delegation in Israel, especially those of the Central Tracing Agency (lists of detainees to be drawn up on the basis of notifications sent practically daily) and those connected with the technical aspects of visits (interviews without witnesses and medical examinations). A permanent medical delegate has now been attached to the delegation.

The ICRC's first visits to detainees under interrogation began on 6 January.

Israel and occupied territories

In December 1977 and January 1978, several operations were organized under ICRC auspices for altogether 976 persons (students, pilgrims and visitors) to cross the United Nations buffer zone in Sinai to go from Cairo to the occupied territories and in the opposite direction.

On 8 December, in a separate operation, the recently discovered mortal remains of three Israel soldiers, killed in action in October 1973, were returned to their relatives by Egypt.

Jordan

Two foreigners who had inadvertently crossed from Israel into Jordan were released on 3 January 1978 and were able to return to Israel under ICRC auspices. While under detention, these two persons were visited by the ICRC delegate in Amman.

Syrian Arab Republic

From October 1976 to 31 December 1977, the ICRC delegation in Damascus, with the Syrian Red Crescent Society and the "Palestinian Red Crescent", carried out 47 distributions of relief supplies to people affected by the events in Lebanon: Lebanese refugees, Palestinian refugees and displaced Syrian nationals who until recently had been living in Lebanon. Over 6,200 persons received altogether about 42 tons of various emergency articles (foodstuffs, medicaments, blankets, clothes, etc.) to a value of about 204,000 Swiss francs.

The distributions were started in October 1976 in regions close to the border with Lebanon (Tartus, around Homs, Zabadani), and later spread to places further inside Syrian territory (the town of Homs, Hama, Damascus and outlying districts). The collaboration of the various local branches of Syria's National Red Crescent Society and of the "Palestinian Red Crescent" was of great help to the ICRC delegation.

Lebanon

Massive distributions of winter relief were made in December 1977 by the ICRC delegation in Lebanon, in co-operation with the Lebanese High Relief Committee.

In 47 villages in the south, ICRC delegates distributed 19,000 sets of children's clothes, 193 tons of food, 22,000 cakes of soap, 13,000 blankets and 40,000 sq.m. of plastic sheeting to replace window panes. About 72,000 persons received assistance.

At the end of December, a further distribution was organized for 7,000 displaced persons living in the Tyre area. They, too, received blankets, children's clothes and plastic sheeting.

In the field of protection, the ICRC delegates in Lebanon arranged for the release of five detainees (three were in the hands of the "conservative" forces and the two others in the hands of the Palestinians). These five persons had been visited by ICRC delegates during their detention in the south of Lebanon.

Latin America

Argentina

Following the mission carried out in December 1977 by the ICRC delegate general for Latin America, Mr. Serge Nessi, ICRC delegates

resumed their visits to places of detention in Argentina. In the second half of December, they visited the "Villa Devoto" prison in Buenos Aires, holding several hundred detainees, and in January 1978, the La Plata prison where they saw several hundred detainees and spoke with many of them without witnesses.

In December, 203 families of detainees received assistance in food and medicaments to a total value of some 4,500 US dollars.

Paraguay

From 1 to 6 December 1977, Mr. Rolf Jenny, ICRC regional delegate for the countries of the "Cono Sur", was in Paraguay, where he had talks with the authorities and the National Red Cross Society.

In Asunción, Mr. Jenny visited two places of detention where he saw eight detainees.

Chile

ICRC protection and assistance activities in Chile were continued in December. The delegates went to five places of detention, containing altogether 69 detainees.

Aid to prisons totalled more than 2,000 dollars in December, while nearly 14,000 dollars worth of aid was distributed to needy persons. In all, 4,112 persons, including many families of detainees, benefited from this aid, in Santiago and elsewhere.

Asia

Thailand

In December 1977, ICRC delegates in Thailand continued their rounds of visits. They went to fourteen police stations in the north-east of the country, where 246 Lao were detained for having entered Thailand illegally. Relief items to a value of about 1,800 Swiss francs were distributed to these detainees.

In the second half of 1977, the ICRC delegation in Thailand made 239 visits to 74 places of detention and saw and distributed relief to over 6,000 persons who had entered the country illegally. The value of the articles distributed amounted to about 33,600 Swiss francs (foodstuffs,

milk powder, mosquito nets, mats, blankets, clothing, toilet articles, soap, detergents, insecticides, etc.).

In addition, the delegation issued 158 ICRC travel documents, enabling 233 refugees to leave Thailand.

Philippines

Two ICRC delegates paid a brief visit to the Philippines, lasting from 2 to 6 January 1978, when Mr. A. Pasquier, who was relinquishing his duties as regional delegate for South East Asia, introduced his successor, Mr. A. Duc, to the authorities and the Philippine Red Cross. The delegates took the opportunity of their stay in Manila to discuss various questions related to the continuation of ICRC protection and assistance activities in the Philippines.

Viet Nam

Throughout 1977 the ICRC delegation in Hanoi was in constant touch with the National Red Cross and with the authorities in Viet Nam concerning outstanding humanitarian problems.

Conflict between Viet Nam and Kampuchea

Following the events along the border between Democratic Kampuchea and Viet Nam, the ICRC, on 6 January, sent both parties a communication in which it expressed its concern for the observance, during hostilities, of the international humanitarian norms in force, especially for the benefit of the civilian population and any members of the armed forces who might be captured or wounded. The ICRC declared, in addition, that it was ready to provide any assistance and protection within the scope of its traditional humanitarian activities.

Having learnt of the capture of members of the armed forces by each of the parties opposing each other, the ICRC sent them a second communication on 30 January. This referred to the ICRC note of 6 January and asked both parties to observe the provisions of the Third Geneva Convention.

Iran

In October 1977, three delegates and two medical delegates of the ICRC carried out a series of visits to Iranian prisons. They went to 17 places of detention in Teheran and elsewhere in Iran, containing

in all 2,424 detainees. They were able to speak freely without witnesses with the detainees of their choice.

The mission followed upon a previous series of visits carried out in the spring of 1977. The ICRC's reports on those visits were transmitted, as customary, to the Iranian authorities.

DISSEMINATION OF KNOWLEDGE OF INTERNATIONAL HUMANITARIAN LAW AMONG THE ARMED FORCES

The Protocols additional to the Geneva Conventions, adopted in June 1977 by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, are of concern to the authorities responsible for ensuring their application in the armed forces. They have been on the agenda of several recent international meetings.

The traditional San Remo round table, convened for the fourth time by the International Institute of Humanitarian Law from 30 August to 4 September 1977¹ considered, among other topics, the question of disseminating knowledge of humanitarian law among the armed forces. Discussion highlighted the need for a realistic approach and for simple teaching systems and methods to avoid becoming bogged down in the mass of documents and instructions of all kinds. Moreover, the legal advisers provided for in Protocol I must have a definite status in the staff to which they are assigned in order for their opinions to carry weight. This will be possible only if they have a sound knowledge of military, technical and legal matters.

*

The refresher courses for young military doctors, organized by the International Committee of Military Medicine and Pharmacy, are in fact often attended by doctors in charge of armed forces medical services. This was the case, for instance, at the eighth course from 6 to 15 October 1977 in Munich, at which humanitarian law problems—especially medical service needs—were thoroughly studied. Discussion groups, which followed papers on law in force and on the Protocols, emphasized a

¹ See *International Review*, No. 199, Oct. 1977, p. 448.

profound need for information and teaching of the law of armed conflicts to enable military doctors fully to discharge their mission. The subjects which received most attention were increased protection for the medical personnel, new methods of evacuation by air, and the marking of medical transports.

*

The German group (FRG) of the International Society of Penal Military Law and Law of War met in Hamburg on 21 and 22 October 1977. Several non-German members of the Society were present. The group examined the Protocols from both the theoretical and practical points of view. These two approaches yielded similar conclusions, namely that studies should be undertaken and further precisions provided, especially in connection with the application of those provisions of Protocol I which deal with the conduct of hostilities. In addition, the group considered the national repercussions of the Protocols, especially those affecting penal legislation.

*

The first African Seminar on international humanitarian law, organized jointly by the Henry Dunant Institute (Geneva) and the International Relations Institute of Cameroon, took place at Yaoundé (Cameroon) from 28 November to 3 December 1977. It discussed both prevailing humanitarian law and the Protocols. It showed how necessary it is, if interest in the law of armed conflict is to be promoted, to take into account, in every part of the world, the special topical problems in every region. In Africa, the problems exercising minds are mainly those relating to wars of liberation and to mercenaries. The presence of professors of law and of high-ranking government officials and officers enabled the seminar to compare theory and practice throughout, and thus work realistically.

F. de M.

*

The armed forces of the United States are making a great effort to disseminate knowledge of humanitarian law among the troops, in accordance with the relevant provisions of the Geneva Conventions.

In 1974 the Defense Department gave instructions that each of the four branches of the armed forces (Army, Air Force, Navy and Marine

MISCELLANEOUS

Corps) should start comprehensive courses to ensure that each member of the forces knew the minimum rules which he must observe in all circumstances, consistent with the Hague and Geneva Conventions.

Two or three years ago the four branches of the armed forces took the necessary action, with varying success. They published material, produced films, gave courses¹ and took steps to give every soldier a solid grounding in the law of war.

Obstacles were many. There were in particular psychological obstacles, for while many officers and other ranks considered humanitarian law most praiseworthy, they also thought it inapplicable if not downright subversive of military efficiency. An original method was devised to overcome such obstacles. Courses are given jointly by an officer trained in law and an officer of a fighting unit, preferably with combat experience. The provisions of the law are then scrutinized in the light of actual experience, a rewarding exercise showing the law to be relevant and realistic.

J. J. S.

¹ See *International Review*, No. 196, July, 1977, p. 385.

UNITED NATIONS RESOLUTION ON INCENDIARY WEAPONS AND OTHER CONVENTIONAL WEAPONS

On 19 December 1977 the United National General Assembly, at its 106th plenary meeting of its thirty-second session, adopted a resolution on the prohibition or restriction, for humanitarian reasons, of certain weapons.

This resolution is based mainly on the work of the Conference of Government Experts on the Use of Certain Conventional Weapons, which held two sessions, in Lucerne (1974) and Lugano (1976), under ICRC auspices. The results of their deliberations were published by the ICRC in two reports (*Conference of Government Experts on the Use of Certain Conventional Weapons*, I, ICRC, Geneva 1975 and II, ICRC, Geneva 1976).

The text of the United Nations resolution is as follows:

RESOLUTION A/32/152

Incendiary and other specific conventional weapons which may be the subject of prohibitions or restrictions of use for humanitarian reasons

The General Assembly,

Convinced that the suffering of civilian populations and combatants could be significantly reduced if general agreement can be attained on the prohibition or restriction for humanitarian reasons of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects,

Mindful that positive results as regards the non-use or restriction of use for humanitarian reasons of specific conventional weapons would serve, in

addition, as encouragement in the broader field of disarmament and might facilitate subsequent agreement on the elimination of such weapons which were completely banned for use,

Recalling that the issue of prohibitions or restrictions for humanitarian reasons of the use of specific conventional weapons has been the subject of substantive discussion for a number of years, notably at the sessions of the Conference of Government Experts on the Use of Certain Conventional Weapons held, under the auspices of the International Committee of the Red Cross, at Lucerne, from 24 September to 18 October 1974, and at Lugano from 28 January to 26 February 1976, and at four sessions of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and in the General Assembly since 1971,

Taking note of the reports of the Secretary-General on the work of the Diplomatic Conference as regards the work of the Conference relevant to the present resolution,

Having concluded from these reports that discussions have taken place primarily on the questions of prohibiting the use of conventional weapons, the primary effect of which is to injure by fragments not detectable by X-ray; of restrictions in the use of land-mines and booby traps; and of prohibitions or restrictions of use of incendiary weapons, including napalm, and that consideration was also given to other conventional weapons, such as small-calibre projectiles and certain blast and fragmentation weapons, and to the possibility of prohibiting or restricting the use of such weapons;

Noting resolution 22 (IV) on follow-up regarding prohibitions or restrictions of use of certain conventional weapons adopted by the Diplomatic Conference on 7 June 1977, in which the Conference recommends, inter alia, that a conference of Governments on such weapons should be convened not later than 1979,

1. Believes that the work on such weapons should both build upon the areas of common ground thus far identified and include the search for further areas of common ground and should in each case seek the broadest possible agreement;

2. Decides to convene in 1979 a United Nations conference with a view to reaching agreements on prohibitions or restrictions on the use of specific conventional weapons, including those which may be deemed to be excessively injurious or have indiscriminate effects, taking into account humanitarian and military considerations, and on the question of a system of periodic review of this matter and for consideration of further proposals;

3. Decides to convene a United Nations preparatory conference for the conference referred to in paragraph 2 above and requests the Secretary-General to transmit invitations to all States and parties invited to attend the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts;

4. Recommends that the preparatory conference should meet once in 1978 for organizational purposes and, subsequently, with the task of establishing the best possible substantive basis for the achievement at the United Nations conference of agreements as envisaged in the present resolution and of considering organizational matters relating to the holding of the United Nations Conference;

5. Requests the Secretary-General to assist the Preparatory Conference in its work;

6. Decides to include in the provisional agenda of its thirty-third session an item entitled "United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons which may be Deemed to be excessively injurious or to have Indiscriminate Effects: report of the United Nations preparatory conference".

CORRIGENDUM

In its December 1977 issue, *International Review* published the text of a United Nations resolution entitled "Respect of human rights in armed conflicts".

The number of this resolution is A/32/44 and its date is 8 December 1977. Readers are kindly requested to note that the reference number which appeared in our last issue (A/C.6/32/L.6) was that of the Committee which examined the resolution and not of the General Assembly.

RED CROSS DISASTER RELIEF HANDBOOK

A publication of the League of the Red Cross Societies

A new edition of the Red Cross Disaster Relief Handbook, first published by the League in 1970, has just been released.

The revised version of the Handbook, which is designed to help National Societies in planning for and carrying out disaster relief operations in their own countries, reflects the increasing emphasis being given to planning and training at national level.

A chapter on government pre-disaster planning and preparedness now complements the original chapter on Red Cross relief planning and action. Societies will also find a 'suggested outline for national training' to assist them in developing their action potential.

Also new is the inclusion of a standardised list of medicaments and equipment for Red Cross medical field teams and a statement on Red Cross policy towards famine situations. The principles and rules for Red Cross disaster relief have been updated in line with revisions and additions approved by international Red Cross bodies in the last few years.

Revision and publication of this new edition was made possible by a generous financial contribution from the Icelandic Red Cross.

EXTRACT FROM THE STATUTES OF
THE INTERNATIONAL COMMITTEE OF THE RED CROSS

ADOPTED 21 JUNE 1973

ART. 1. — *International Committee of the Red Cross*

1. The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes.

2. It shall be a constituent part of the International Red Cross.¹

ART. 2. — *Legal Status*

As an association governed by Articles 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

ART. 3. — *Headquarters and Emblem*

The headquarters of the ICRC shall be in Geneva.

Its emblem shall be a red cross on a white ground. Its motto shall be *Inter arma caritas*.

ART. 4. — *Role*

1. The special role of the ICRC shall be :
- (a) to maintain the fundamental principles of the Red Cross as proclaimed by the XXth International Conference of the Red Cross ;
 - (b) to recognize any newly established or reconstituted National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition ;
 - (c) to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions ;

¹ The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term " National Red Cross Societies " includes the Red Crescent Societies and the Red Lion and Sun Society.

- (d) to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife ; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve in humanitarian matters, as an intermediary between the parties ;
- (e) to ensure the operation of the Central Information Agencies provided for in the Geneva Conventions ;
- (f) to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with the Red Cross organizations, the medical services of the armed forces, and other competent authorities ;
- (g) to work for the continual improvement of humanitarian international law and for the better understanding and diffusion of the Geneva Conventions and to prepare for their possible extension ;
- (h) to accept the mandates entrusted to it by the International Conferences of the Red Cross.

2. The ICRC may also take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and consider any question requiring examination by such an institution.

ART. 6 (first paragraph). — *Membership of the ICRC*

The ICRC shall co-opt its members from among Swiss citizens. It shall comprise fifteen to twenty-five members.

ADDRESSES OF NATIONAL SOCIETIES

- AFGHANISTAN — Afghan Red Crescent, Puli Artan, *Kabul*.
- PEOPLE'S SOCIALIST REPUBLIC OF ALBANIA — Albanian Red Cross, 35, Rruga e Barrikadave, *Tirana*.
- ALGERIA (Democratic and People's Republic) — Algerian Red Crescent Society, 15 bis, Boulevard Mohamed V, *Algiers*.
- ARGENTINA — Argentine Red Cross, H. Yrigoyen 2068, 1089 *Buenos Aires*.
- AUSTRALIA — Australian Red Cross, 122 Flinders Street, *Melbourne 3000*.
- AUSTRIA — Austrian Red Cross, 3 Gusshausstrasse, Postfach 39, *Vienna 4*.
- BAHAMAS — Bahamas Red Cross Society, P.O. Box N 91, *Nassau*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Cross Society, 34, Bangabandhu Avenue, *Dacca 2*.
- PEOPLE'S REPUBLIC OF BENIN — Red Cross of Benin, B.P. 1, *Porto Novo*.
- BELGIUM — Belgian Red Cross, 98 Chaussée de Vleurgat, 1050 *Brussels*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar, 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, Independence Avenue, P.O. Box 485, *Gaborone*.
- BRAZIL — Brazilian Red Cross, Praça Cruz Vermelha 10-12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 1, Boul. Biruzov, *Sofia 27*.
- BURMA (Socialist Republic of the Union of) — Burma Red Cross, 42 Strand Road, Red Cross Building, *Rangoon*.
- BURUNDI — Red Cross Society of Burundi, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, *Yaoundé*.
- CANADA — Canadian Red Cross, 95 Wellesley Street East, *Toronto, Ontario, M4Y 1H6*.
- CENTRAL AFRICAN EMPIRE — Central African Red Cross, B.P. 1428, *Bangui*.
- CHILE — Chilean Red Cross, Avenida Santa María 0150, Correo 21, Casilla 246V., *Santiago*.
- CHINA — Red Cross Society of China, 22 Kanmien Hutung, *Peking, E*.
- COLOMBIA — Colombian Red Cross, Carrera 7a, 34-65, Apartado nacional 1110, *Bogotá D.E.*
- CONGO, PEOPLE'S REPUBLIC OF THE — Croix-Rouge Congolaise, place de la Paix, *Brazzaville*.
- COSTA RICA — Costa Rican Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CUBA — Cuban Red Cross, Calle 23 201 esq. N. Vedado, *Havana*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovská 18, 118 04 *Prague 1*.
- DENMARK — Danish Red Cross, Ny Vestergade 17, DK-1741 *Copenhagen K*.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado Postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorian Red Cross, Calle de la Cruz Roja y Avenida Colombia, 118, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 34 rue Ramses, *Cairo*.
- EL SALVADOR — El Salvador Red Cross, 3a Avenida Norte y 3a Calle Poniente, *San Salvador, C.A.*
- ETHIOPIA — Ethiopian Red Cross, Ras Desta Damtew Avenue, *Addis Ababa*.
- FIJI — Fiji Red Cross Society, 193 Rodwell Road. P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu 1 A, Box 168, 00141 *Helsinki 14/15*.
- FRANCE — French Red Cross, 17 rue Quentin Bauchart, F-75384 *Paris CEDEX 08*.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross in the German Democratic Republic, Kaizerstrasse 2, DDR 801 *Dresden 1*.
- GERMANY, FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, 5300, *Bonn 1*, Postfach (D.B.R.).
- GHANA — Ghana Red Cross, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou 1, *Athens 135*.
- GUATEMALA — Guatemalan Red Cross, 3a Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUYANA — Guyana Red Cross, P.O. Box 351, Eve Leary, *Georgetown*.
- HAITI — Haiti Red Cross, Place des Nations Unies, B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 1a Avenida entre 3a y 4a Calles, N° 313, *Comayagüela, D.C.*
- HUNGARY — Hungarian Red Cross, V. Arany János utca 31, *Budapest V*. Mail Add.: 1367 *Budapest 5*, Pf. 249.
- ICELAND — Icelandic Red Cross, Nóatúni 21, *Reykjavik*.
- INDIA — Indian Red Cross, 1 Red Cross Road, *New Delhi 110001*.
- INDONESIA — Indonesian Red Cross, Jalan Abdul Muis 66, P.O. Box 2009, *Djakarta*.
- IRAN — Iranian Red Lion and Sun Society, Av. Villa, Carrefour Takhté Djamchid, *Teheran*.
- IRAQ — Iraqi Red Crescent, Al-Mansour, *Baghdad*.
- IRELAND — Irish Red Cross, 16 Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12 via Toscana, *Rome*.
- IVORY COAST — Ivory Coast Red Cross Society, B.P. 1244, *Abidjan*.
- JAMAICA — Jamaica Red Cross Society, 76 Arnold Road, *Kingston 5*.
- JAPAN — Japanese Red Cross, 1-3 Shiba-Daimon 1-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10 001, *Amman*.
- KENYA — Kenya Red Cross Society, St. John's Gate, P.O. Box 40712, *Nairobi*.
- KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF — Red Cross Society of the Democratic People's Republic of Korea, *Pyongyang*.
- KOREA, REPUBLIC OF — The Republic of Korea National Red Cross, 32-3Ka Nam San-Dong, *Seoul*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1350, *Kuwait*.
- LAO PEOPLE'S DEMOCRATIC REPUBLIC — Lao Red Cross, P.B. 650, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru*.

- LIBERIA** — Liberian National Red Cross, National Headquarters, 107 Lynch Street, P.O. Box 226, *Monrovia*.
- LIBYAN ARAB JAMAHIRIYA** — Libyan Arab Red Crescent, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN** — Liechtenstein Red Cross, *Vaduz*.
- LUXEMBOURG** — Luxembourg Red Cross, Parc de la Ville, C.P. 404, *Luxembourg*.
- MALAGASY REPUBLIC** — Red Cross Society of the Malagasy Republic, rue Clémenceau, P.O. Box 1168, *Antananarivo*.
- MALAWI** — Malawi Red Cross, Hall Road, *Blantyre* (P.O. Box 30080, Chichiri, *Blantyre* 3).
- MALAYSIA** — Malaysian Red Crescent Society, 519 Jalan Belfield, *Kuala Lumpur* 08-03.
- MALI** — Mali Red Cross, B.P. 280, *Bamako*.
- MAURITANIA** — Mauritanian Red Crescent Society, B.P. 344, Avenue Gamal Abdel Nasser, *Nouakchott*.
- MAURITIUS** — Mauritius Red Cross, Ste Thérèse Street, *Curepipe*.
- MEXICO** — Mexican Red Cross, Avenida Ejército Nacional n° 1032, *México* 10 D.F.
- MONACO** — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA** — Red Cross Society of the Mongolian People's Republic, Central Post Office, Post Box 537, *Ulan Bator*.
- MOROCCO** — Moroccan Red Crescent, B.P. 189, *Rabat*.
- NEPAL** — Nepal Red Cross Society, Tahachal, P.B. 217, *Kathmandu*.
- NETHERLANDS** — Netherlands Red Cross, 27 Prinsesgracht, *The Hague*.
- NEW ZEALAND** — New Zealand Red Cross, Red Cross House, 14 Hill Street, *Wellington* 1. (P.O. Box 12-140, *Wellington North*.)
- NICARAGUA** — Nicaraguan Red Cross, D.N. Apartado 3279, *Managua*.
- NIGER** — Red Cross Society of Niger, B.P. 386, *Niamey*.
- NIGERIA** — Nigerian Red Cross Society, Eko Aketa Close, off St. Gregory Rd., P.O. Box 764, *Lagos*.
- NORWAY** — Norwegian Red Cross, Parkveien 33b, *Oslo*. Mail Add.: *Postboks 7034 H-Oslo* 3.
- PAKISTAN** — Pakistan Red Crescent Society, National Headquarters, 169, Sarwar Road, *Rawalpindi*.
- PANAMA** — Panamanian Red Cross, Apartado Postal 668, Zona 1, *Panamá*.
- PARAGUAY** — Paraguayan Red Cross, Brasil 216, *Asunción*.
- PERU** — Peruvian Red Cross, Jirón Chancay 881, *Lima*.
- PHILIPPINES** — Philippine National Red Cross, 860 United Nations Avenue, P.O.B. 280, *Manila* 2801.
- POLAND** — Polish Red Cross, Mokotowska 14, *Warsaw*.
- PORTUGAL** — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, *Lisbon* 3.
- ROMANIA** — Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei 29, *Bucarest*.
- SAN MARINO** — San Marino Red Cross, Palais gouvernemental, *San Marino*.
- SAUDI ARABIA** — Saudi Arabian Red Crescent, *Riyadh*.
- SENEGAL** — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, *Dakar*.
- SIERRA LEONE** — Sierra Leone Red Cross Society, 6A Liverpool Street, P.O.B. 427, *Freetown*.
- SINGAPORE** — Singapore Red Cross Society, 15 Penang Lane, *Singapore* 9.
- SOMALI DEMOCRATIC REPUBLIC** — Somali Red Crescent Society, P.O. Box 937, *Mogadishu*.
- SOUTH AFRICA** — South African Red Cross, Cor. Kruis & Market Streets, P.O.B. 8726, *Johannesburg* 2001.
- SPAIN** — Spanish Red Cross, Eduardo Dato 16, *Madrid* 10.
- SRI LANKA** — Sri Lanka Red Cross Society, 106 Dharmapala Mawatha, *Colombo* 7.
- SUDAN** — Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SWEDEN** — Swedish Red Cross, Fack, S-104 40 *Stockholm* 14.
- SWITZERLAND** — Swiss Red Cross, Taubenstrasse 8, B.P. 2699, *3001 Berne*.
- SYRIAN ARAB REPUBLIC** — Syrian Red Crescent, Bd Mahdi Ben Barake, *Damascus*.
- TANZANIA** — Tanzania Red Cross Society, Upanga Road, P.O.B. 1133, *Dar es Salaam*.
- THAILAND** — Thai Red Cross Society, Paribattra Building, Chulalongkorn Memorial Hospital, *Bangkok*.
- TOGO** — Togolese Red Cross Society, 51 rue Boko Soga, P.O. Box 655, *Lomé*.
- TRINIDAD AND TOBAGO** — Trinidad and Tobago Red Cross Society, Wrightson Road West, P.O. Box 357, *Port of Spain*, Trinidad, West Indies.
- TUNISIA** — Tunisian Red Crescent, 19 rue d'Angleterre, *Tunis*.
- TURKEY** — Turkish Red Crescent, Yenisehir, *Ankara*.
- UGANDA** — Uganda Red Cross, Nabunya Roag, P.O. Box 494, *Kampala*.
- UNITED KINGDOM** — British Red Cross, 9 Grosvenor Crescent, *London, SW1X 7EJ*.
- UPPER VOLTA** — Upper Volta Red Cross, P.O.B. 340, *Ouagadougou*.
- URUGUAY** — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo*.
- U.S.A.** — American National Red Cross, 17th and D Streets, N.W., *Washington, D.C. 20006*.
- U.S.S.R.** — Alliance of Red Cross and Red Crescent Societies, I. Tcheremushkinskii proezd 5, *Moscow* 117036.
- VENEZUELA** — Venezuelan Red Cross, Avenida Andrés Bello No. 4, Apart. 3185, *Caracas*.
- VIET NAM, SOCIALIST REPUBLIC OF** — Red Cross of Viet Nam, 68 rue Bà-Triệu, *Hanoi*.
- YUGOSLAVIA** — Red Cross of Yugoslavia, Simina ulica broj 19, *Belgrade*.
- REPUBLIC OF ZAIRE** — Red Cross of the Republic of Zaire, 41 av. de la Justice, B.P. 1712, *Kinshasa*.
- ZAMBIA** — Zambia Red Cross, P.O. Box R.W.1, 2837 Brentwood Drive, *Lusaka*.